

For the attention of: **Katie Fowler (Case Officer)**

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By email: planning@eastsuffolk.gov.uk
Application Reference: DC/26/1490/OUT
Date: 24 June 2026

OBJECTION TO PLANNING APPLICATION DC/26/1490/OUT

South Saxmundham Garden Neighbourhood, A12, Saxmundham, Suffolk — hybrid planning application for primary drainage infrastructure and associated construction access (full), and a residential-led garden neighbourhood of approximately 800 dwellings with associated development (outline, all matters reserved except access).

Dear Sir or Madam,

I am writing to object to the above hybrid planning application. I have reviewed the application as submitted, including the Planning Statement, the Design and Access Statement, the Design Code, the Environmental Statement, the Heritage Impact Assessment, the Shadow Habitats Regulations Assessment, the Arboricultural Impact Assessment and Tree Survey, the Biodiversity Net Gain Statement, and the consultation responses received to date. My objection is made on planning grounds and is set out below:

1. The proposal and the basis of this objection

1.1 The application seeks full planning permission for the primary drainage infrastructure and associated construction access, and outline planning permission (all matters reserved except access) for approximately 800 dwellings, a primary school and pre-school, employment land, roadside services, community uses, open space and Suitable Alternative Natural Greenspace (SANG), to be brought forward in phases over a seven-year construction programme.

1.2 I acknowledge that the majority of the Site is allocated under Policy SCLP12.29 (South Saxmundham Garden Neighbourhood) of the Suffolk Coastal Local Plan (2020) for an education-led development of approximately 800 dwellings, delivered through a masterplan approach. My objection does not contest the principle of a garden neighbourhood on the allocation. It is directed at the scheme as submitted, which fails to satisfy a number of the specific requirements of Policy SCLP12.29 itself, conflicts with the criteria-based policies of the development plan, and gives rise to significant adverse effects that the applicant's own evidence concedes, alongside a series of matters that remain unresolved.

1.3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan must be read as a whole (*R (Corbett) v Cornwall Council* [2020] EWCA Civ 508): the allocation cannot be read in isolation from the landscape, coalescence, biodiversity, design, heritage and transport policies that sit alongside it, nor from the made Saxmundham Neighbourhood Plan. The proper interpretation of those policies is a matter of law

(*Tesco Stores Ltd v Dundee City Council* [2012] UKSC 13). I address housing land supply and the planning balance at the end of this letter.

2. Landscape and visual impact — significant adverse effects admitted by the applicant

2.1 The applicant's own Landscape and Visual Impact Assessment concludes that the scheme will cause significant adverse effects that persist even after the proposed mitigation has fully matured. At the 'design year' (Year 15) the assessment records a Major Adverse (Significant) residual effect on Land Use, together with significant adverse residual visual effects from numerous receptors, including:

- residential properties on the southern edge of Saxmundham at Mill Rise, Fisher Close and Millfield Close (Moderate Adverse — Significant);
- residential properties at Kiln Lane (Moderate Adverse — Significant);
- public footpaths BE19 and BE20 on the western edge of the Site (Major Adverse — Significant);
- public footpaths SM15, SM18, SM21 and SM22 through the Site, and views from 'The Layers' (Major to Moderate Adverse — Significant);
- Hill House Farm and Deadman's Lane to the west, in views dominated by the employment and roadside services parcels; and
- views from the A12 (Moderate Adverse — Significant).

2.2 These are permanent, long-term effects assessed 15 years after the proposed planting has established — not transient construction effects. A scheme that the applicant accepts will cause significant, permanent landscape and visual harm conflicts on its face with Policy SCLP10.4 (Landscape Character), with the requirement of Policy SCLP12.29(e) for the retention and enhancement of the natural features of the Site, and with the Framework's direction that development which is not well designed should be refused. The mitigation relied upon is, by the applicant's own assessment, insufficient to reduce these effects below the threshold of significance. The allocation establishes the principle of development; it does not establish the acceptability of this particular quantum, layout, scale or massing.

3. Settlement coalescence and the gap with Benhall

3.1 Policy SCLP10.5 (Settlement Coalescence) seeks to maintain the separate identity of settlements and resist development that would erode the gaps between them. The applicant's landscape strategy is, in substance, an admission that the scheme places development hard against the open countryside separating Saxmundham from Benhall: the embedded mitigation is repeatedly justified as providing a "visual barrier between the Site and the village of Benhall" and reinforcing a "sense of separation".

3.2 The need to engineer a visual barrier is itself evidence that the gap is being eroded. The employment and roadside services parcels west of the A12 push built form into open countryside towards Benhall and Benhall Green. The scheme conflicts with Policy SCLP10.5, and the separation it leaves is the minimum the applicant could contrive rather than a positive response to the policy.

4. Irreplaceable habitat — veteran trees

4.1 The Site contains 49 veteran trees (27 in the western block and 22 in the eastern block, per the Biodiversity Net Gain Statement), together with further trees of veteran characteristics and material conservation value identified in the Arboricultural Impact Assessment (AIA). Veteran trees are

irreplaceable habitat. Paragraph 187(c) of the NPPF requires that development resulting in the loss or deterioration of irreplaceable habitats such as veteran trees be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists. The Government's standing advice, Ancient woodland, ancient trees and veteran trees: advice for making planning decisions, is explicit that decision-makers must assess both the direct and the indirect effects, and both the construction and the operational effects, of development on such trees; that a minimum buffer of 15 metres should be provided around them; and that a compensation strategy is not to be treated as reducing the harm when the merits are assessed.

4.2 Measured against that guidance, the applicant's own AIA shows that, as submitted, the scheme encroaches upon this irreplaceable resource. The A12 Roadside Services land is shown encroaching within the Root Protection Areas of retained trees A001, T019 and T021, and within the Veteran Tree Buffer Zones of T005, T007 and T039–T042; the Employment land encroaches within the same Root Protection Areas and within the Veteran Tree Buffer Zones of T009–T016, T043, T044 and T053; and the SuDS features encroach within a Root Protection Area and the Veteran Tree Buffer Zones of T004 and T035–T039. In each case the AIA states only that the plans "will be adjusted" to exclude these encroachments. That is a future aspiration, not a safeguard secured by this application, and encroachment into Root Protection Areas and buffer zones is exactly the kind of indirect effect — root damage and compaction, and changes to hydrology, light and pressure of use — that the standing advice identifies as causing the deterioration of veteran trees.

4.3 Compounding this, the construction access — which forms part of the full-permission element of the hybrid application, and is therefore for approval now — is expressly not assessed: the AIA states that, "due to the conceptual nature of the Proposed Development", the arboricultural assessment of the construction access "cannot be made at present". On the material submitted the applicant cannot show that paragraph 187(c) of the NPPF, Policy SCLP10.1 (Biodiversity and Geodiversity) and the retention requirement of Policy SCLP12.29(e) are satisfied. This is, of itself, a reason for refusal.

5. The Habitats Regulations and SANG provision

5.1 The Shadow Habitats Regulations Assessment confirms that the Site lies within the zone of influence of eight European and Ramsar sites — the Alde-Ore Estuary SPA, SAC and Ramsar Site; the Sandlings SPA; the Minsmere–Walberswick SPA, SAC and Ramsar Site; and Orfordness-Shingle Street SAC — and that recreational disturbance is taken to appropriate assessment. Under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, East Suffolk Council, as competent authority, may grant permission only after it has itself made an appropriate assessment and ascertained that the scheme will not adversely affect the integrity of those sites.

5.2 The document before the Council is a *shadow* assessment prepared by the applicant; the competent authority's own appropriate assessment is awaited, and I can identify no response from Natural England on the Shadow HRA or the SANG in the consultation record. The Supreme Court in *C G Fry & Son Ltd v Secretary of State for Housing, Communities and Local Government* [2025] UKSC 35 recently reaffirmed that the Habitats Regulations are to be construed purposively and applied with a high degree of protection for European sites and with the precautionary principle; the Regulation 63 duty is not a formality to be assumed away. Until the competent authority's appropriate assessment is complete and Natural England's agreement secured, the requisite certainty has not been demonstrated, and mitigation cannot simply be assumed in the scheme's favour (*People Over Wind v Coillte* (Case C-323/17)).

5.3 Two further points arise on the SANG. First, the configuration departs from the allocation: Policy SCLP12.29(v) identifies the land east of the railway for the provision of open space and SANG, yet only 8.55ha of the 15.55ha proposed lies east of the railway, the balance being split between a block north-west of the development and a block south of Kiln Lane. Second, the southern (Kiln Lane Meadow) SANG is also the location of the scheme's SuDS attenuation basins; land performing a primary surface-water drainage function should not be assumed, without scrutiny, to deliver the quality of accessible natural greenspace required to function as effective recreational mitigation. The SANG, the RAMS tariff and the associated long-term management must in any event be secured through the Section 106 agreement, which is not before the Council.

6. Highways and access

6.1 Access is the one matter not reserved, and therefore falls to be determined now. The scheme proposes a single point of vehicular access from the A12 — a single roundabout — to serve both approximately 800 dwellings and the employment and roadside services to the west. Policy SCLP12.29(o) requires that access to be “supported by safe access for cyclists and pedestrians”, and Policy SCLP12.29(q) requires the Transport Assessment to have “particular regard to the capacity of the B1121/B1119 signalised crossroads”. The adequacy, safety and capacity of the proposed arrangements, for development of this scale, must be demonstrated to the satisfaction of the highway authority.

6.2 National Highways' ‘no objection’ is of no assistance: it relates only to the Strategic Road Network, which National Highways accepts is remote from the Site, and it expressly defers to Suffolk County Council as local highway authority for the A12. The local highway authority's assessment of the access, of the B1121/B1119 junction capacity, and of the residual cumulative impact on the local network is determinative. The consultation record contains responses from Suffolk County Council in its minerals and waste, and archaeological, capacities, but I can identify no substantive response from Suffolk County Council as local highway authority on the acceptability and safety of the access. In its absence, the application cannot be said to satisfy Policy SCLP7.1 (Sustainable Transport) or the test at paragraph 116 of the NPPF — that development should not be refused on highways grounds unless there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

6.3 The cumulative position is acute. The applicant's own Environmental Statement identifies, in close proximity to the Site, the Sizewell C A12/B1119 junction works (approximately 395m north), the Sea Link converter station (approximately 300m east), Lionlink (approximately 900m east) and the East Anglia ONE North and TWO onshore works. A seven-year build-out at up to 150 dwellings per annum, overlapping with these nationally significant infrastructure projects, presents a real prospect of severe cumulative impact on the A12 corridor and on the amenity of existing residents that is not adequately addressed.

7. Roadside services — unallocated commercial development

7.1 The Planning Statement concedes that the land uses proposed are consistent with the allocation “with the exception of the roadside services proposed west of the A12”. The roadside services — a hotel, a fuel filling station with electric vehicle charging, and eateries — are therefore unallocated. They are, in substance, a freestanding commercial proposition justified principally on the applicant's own viability case and an asserted gap in provision between Woodbridge and Darsham.

7.2 The applicant accepts that the hotel is a main town centre use to which the sequential test at paragraph 91 of the NPPF applies. The sequential evidence offered — that the Brownfield Land Register and the SHELAA do not identify a town-centre site of sufficient size — is cursory, and the application does not demonstrate that suitable, sequentially preferable sites are genuinely unavailable. Separately, Policy SCLP4.8 (New Retail and Commercial Leisure Development) sets an impact-assessment threshold of 350 sq m gross for Saxmundham (a level 2 centre); the retail, leisure and eatery floorspace within the roadside services is likely to exceed that threshold, such that an assessment of the impact on the vitality and viability of Saxmundham town centre is required and has not been provided. I note the tension with the scheme's own evolution: the commercial 'hub' originally proposed at the A12 gateway was removed in consultation precisely so as not to draw residents and trade to the A12, yet a larger commercial magnet in the form of the roadside services remains.

7.3 The employment land west of the A12 must also satisfy Policy SCLP4.2 (New Employment Development), which permits employment outside settlement boundaries only where it avoids or adequately mitigates adverse impact on the character of the surrounding area and landscape — a limb directly engaged by the significant adverse landscape and visual effects the applicant concedes for this western part of the Site (paragraph 2.1 above). Finally, paragraph 97 of the NPPF requires refusal of applications for hot food and fast-food outlets within walking distance of schools, save in a designated centre; the scheme places eateries within the same allocation as a new primary school and pre-school, and the applicant's assertion that this is acceptable should be tested rigorously rather than accepted.

8. Heritage and valued local green space

8.1 Policy SCLP12.29(j) itself requires the development to be sympathetic to the south entrance of Saxmundham, the Conservation Area and heritage assets, and to the views of the sensitive landscape and heritage setting to the east, having regard to the Council's own South Saxmundham Garden Neighbourhood Heritage Impact Assessment (which recommends that built development should not occur east of the railway line). The significant, permanent adverse visual change at the southern approach to the town that the applicant's LVIA concedes bears directly on the setting of the Conservation Area and the southern gateway, and the Heritage Impact Assessment submitted with the application should be scrutinised closely against Policies SCLP11.3 (Historic Environment) and SCLP11.5 (Conservation Areas) and the statutory duties in respect of designated heritage assets.

8.2 The area known as 'The Layers' is recognised in the made Saxmundham Neighbourhood Plan as a non-designated heritage asset (Policy SAX11) and is the subject of important public views (Policy SAX12); Suffolk County Council's Archaeological Service confirms that geophysical survey has identified a significant area of settlement activity there. The applicant's LVIA records Major Adverse (Significant) effects on views from 'The Layers' during construction, reducing only to Major to Moderate Adverse (Significant) at Year 15. Policy SCLP11.6 (Non-Designated Heritage Assets) requires a balanced judgement having regard to the scale of harm and the significance of the asset; significant, long-term harm to the setting and amenity of a recognised non-designated heritage asset, and to Neighbourhood Plan important views, weighs against the scheme. The site has not previously been subject to systematic archaeological evaluation.

9. Design, scale and height

9.1 The scheme proposes building heights of up to 14m (up to three-and-a-half storeys), including 14m frontages along the A12 and at the community hub. The applicant justifies the 14m frontage to the A12 in part as a means of providing a noise barrier to the development behind it. Using the

massing of taller blocks as acoustic mitigation, on the edge of a market town and within an allocation expressly intended to deliver a high-quality garden neighbourhood, is the wrong way round: noise should be designed out, not walled off behind height that itself harms the rural-to-urban transition and the important local views protected by Neighbourhood Plan Policy SAX12.

9.2 Policy SCLP11.1 (Design Quality) requires major residential development to perform positively against Building for a Healthy Life. The application should be required to demonstrate that performance, and that the scale, height and density proposed represent a genuinely high-quality response to this sensitive edge-of-town location rather than the maximum envelope the Site can absorb.

10. Light pollution and dark skies

10.1 The Site is currently open, unlit arable farmland on the rural southern edge of Saxmundham. The scheme would introduce a substantial new source of artificial light into that dark setting: a fuel filling station and its illuminated forecourt canopy (typically lit to high levels and for extended hours), a hotel, eateries and their associated car parks and signage, employment units, a primary school and pre-school with associated security and external lighting, a community hub, and street lighting and domestic lighting across approximately 800 dwellings. The cumulative effect is a step-change in night-time light levels and sky glow in a presently dark rural location.

10.2 Paragraph 191(c) of the NPPF requires that decisions limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation, and the Government's Planning Practice Guidance on light pollution calls for the careful assessment of sky glow, glare and light intrusion, with particular care where white or ultraviolet light would fall near features used by foraging bats or on water. At the local level, Policy SCLP10.3 (Environmental Quality) expressly lists light pollution among the matters development must address; Policy SCLP10.4 (Landscape Character) requires the protection of visually sensitive skylines and significant views; Policy SCLP11.2 (Residential Amenity) lists light spillage; and Policy SCLP10.1 (Biodiversity and Geodiversity) is engaged by the effect of lighting on nocturnal wildlife.

10.3 The applicant's own Ecological Impact Assessment confirms the concern. It records high levels of foraging activity by common and soprano pipistrelle bats along the Site's hedgerows, finds that the development is "likely to affect [bat] behaviour or foraging and commuting", and concludes that lighting impacts on invertebrates are "likely to be evident at a population level". Its own recommendation is that "a suitable lighting design should be implemented to minimise lighting impacts via glare and spill", which "would benefit bats also".

10.4 That mitigation is neither assessed nor secured. The Environmental Statement was scoped to two topics only and does not assess light pollution or cumulative sky glow at all; no lighting strategy or lighting impact assessment has been submitted; and with layout, scale, appearance and landscaping all reserved, the applicant relies on a lighting design that does not yet exist. For a scheme introducing a fuel filling station and commercial uses into a dark rural edge, the impact of artificial light on the rural night sky, on the amenity of nearby residents and on foraging bats should be assessed and controlled now — through a lighting strategy and robust parameter-level limits secured by condition — rather than deferred in its entirety. As submitted, the application does not demonstrate compliance with Policies SCLP10.3, SCLP10.4, SCLP11.2 and SCLP10.1, or with paragraph 191(c) of the NPPF.

11. Affordable housing, phasing, infrastructure and the scope of the Environmental Statement

11.1 Policy SCLP5.10 requires 1 in 3 dwellings (approximately 264 homes) to be affordable, and the Council's Housing Enabling Officer confirms that expectation, with a specified tenure mix and accessibility standards; Policy SCLP5.9 requires a minimum of 5% self- or custom-build plots. With all matters except access reserved, the quantum, tenure, mix and delivery triggers for affordable housing, the self-build provision, and the timing of the school, the SANG, the open space and the active travel links, all remain to be secured. Given the scale of the scheme, its seven-year phased build-out and the viability considerations the applicant itself raises in support of the roadside services, there is a real risk that affordable housing and infrastructure delivery lag occupation. Any permission must front-load and firmly secure these obligations through the Section 106 agreement and conditions; the representations already before the Council rightly resist a "piecemeal" approach.

11.2 Finally, I question the robustness of confining the Environmental Statement to two topics only — Landscape and Visual, and Transport and Access — on the basis of a verbal agreement with the Council in place of a formal scoping opinion. In *R (Finch) v Surrey County Council* [2024] UKSC 20 the Supreme Court emphasised that environmental impact assessment requires a systematic and comprehensive assessment of the likely significant effects of a project, expressly including its indirect, secondary and cumulative effects, and that the adequacy of what an environmental statement assesses is open to scrutiny. For EIA development of this magnitude — within the zone of influence of internationally designated sites, containing 49 veteran trees, affecting non-designated heritage, important views and significant buried archaeology, and overlapping with multiple nationally significant infrastructure projects — the relegation of ecology, heritage, noise, air quality and the water environment to standalone documents outside the Environmental Statement, and outside its in-combination framework, should be examined carefully against that standard and against the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

12. Housing land supply, the planning balance and conclusion

12.1 I anticipate that the applicant will rely on the age of the Suffolk Coastal Local Plan — which passed its fifth anniversary in September 2025, the Council having concluded that it requires updating in the light of an increased housing requirement — to invoke the 'tilted balance' at paragraph 11(d) of the NPPF. That reliance does not assist the application here. The structure of paragraph 11(d) is well established: where a footnote 7 policy that protects an area or asset of particular importance is engaged, applied and provides a clear reason for refusal, the tilted balance in limb (ii) is disappplied (*Monkhill Ltd v Secretary of State for Housing, Communities and Local Government* [2021] EWCA Civ 74). The footnote 7 assets expressly include irreplaceable habitats (the veteran trees, addressed at Section 4) and habitats sites (the European sites addressed at Section 5), and may include designated heritage assets (Section 8). For the reasons given, the policies protecting those assets provide a clear reason for refusal.

12.2 In any event, under paragraph 11(d)(ii) the adverse impacts of the scheme as submitted significantly and demonstrably outweigh its benefits when assessed against the Framework as a whole. The benefits of housing (including affordable housing) and employment are not in dispute and are capable of attracting substantial weight; but they are the benefits the allocation already anticipates, and they are delivered, on this scheme, with significant and permanent landscape and visual harm, demonstrable risk to irreplaceable veteran trees, an incomplete position under the Habitats Regulations, an unallocated commercial element that does not pass the sequential and impact tests, harm to a non-designated heritage asset and protected views, an unassessed increase in light pollution

affecting the dark rural character and nocturnal wildlife, and an access whose acceptability the local highway authority has not endorsed.

12.3 For these reasons I respectfully request that the application be refused. In the alternative, it should not be determined until, at the very least: Suffolk County Council as local highway authority has assessed and is satisfied as to the access and the B1121/B1119 junction; Natural England and the competent authority's own appropriate assessment have resolved the position under the Habitats Regulations; the safeguarding of the veteran trees is demonstrated; the sequential and impact tests for the roadside services are properly addressed; and the affordable housing and infrastructure obligations are secured by a completed Section 106 agreement. Given the scale of the proposal and the matters raised, I consider the application should be determined by the Planning Committee.

12.4 I should be grateful if you would confirm receipt of this objection and register me as an interested party, to be notified of the decision and of any committee date.

Yours faithfully,

Mr T Lingard
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