

Statement of Case on behalf of the Local Planning Authority

APPEAL BY: Bellway Homes Ltd

SITE AT: Land off Ashland Road West, Sutton-in-Ashfield, Nottinghamshire

APPEAL AGAINST THE REFUSAL OF OUTLINE PLANNING APPLICATION (WITH ALL MATTERS RESERVED EXCEPT ACCESS) FOR A RESIDENTIAL DEVELOPMENT OF UP TO 300 DWELLINGS WITH ASSOCIATED INFRASTRUCTURE AND LANDSCAPING

LA Reference: **V/2020/0184**

PINS Ref: **APP/W3005/W/21/3274818**

1 July 2021

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1.0 INTRODUCTION

- 1.1 The appeal is made by Bellway Homes Ltd (“the Appellant”) against the decision of Ashfield District Council (the “Council”) to refuse outline planning permission for an outline application (with all matters reserved except access) for a residential development of up to 300 dwellings with associated infrastructure and landscaping.
- 1.2 The application was refused by notice dated 23 March 2021 for the following reason(s):

“The development would result in a significant adverse impact on the character and appearance of the area and surrounding landscape, particularly through the urbanising affects adjacent to Brierley Forest Park. The loss of greenfield and associated habitats would also result in significant and irreversible harmful impacts to biodiversity. In addition, the density of the development is considered to be too high and out of keeping with the surrounding area. Accordingly, the proposal would be contrary to Policies ST1 (a, b and e), ST2 – ST4 and EV2. There would also be conflict with Part 15 of the National Planning Policy Framework: ‘Conserving and enhancing the natural environment’. It is considered that these harms would significantly and demonstrably outweigh the benefits of the development.”

2.0 SITE DESCRIPTION

- 2.1 The appeal site extends to approximately 10.31ha and is located on the western edge of Sutton-in-Ashfield. The site is currently a greenfield agricultural site, formed of two large fields. It is surrounded by existing residential development on three sides to the east, west and south. The former restored colliery site at Brierley Forest Park is to the north, with Ashland Road West running along the site's southern boundary.
- 2.2 Mature hedgerows form the majority of the site's boundaries, with a further field hedgerow that runs north-south across the middle of the site, dividing the two field parcels. The highest point of the site is to the south-west, reaching approximately 180m AOD, from there the land falls in a northerly direction towards Rooley Brook, which lies within Brierley Forest Park. The lowest part of the site lies on the north-eastern boundary, at approximately 160m AOD.

3.0 RELEVANT PLANNING HISTORY

3.1 The following planning history is relevant to the site:

- V/2014/0658 – Residential Development of 201 dwellings, comprising of 2, 3, 4 and 5-bedroom units. Creation of vehicular access, pedestrian links, public open space, car parking, hard and soft landscaping, a pumping station, and drainage – Refused 20/09/2016. Reasons for Refusal:

1) The proposed development was considered to be unacceptable as it is considered to be in conflict with the following policies of the Ashfield Local Plan Review (2002)

- ST1(a) It will not conflict with other policies in this Local Plan
- ST1(b) It will not adversely affect the character, quality, amenity of safety of the environment
- ST1(c) It will not adversely affect highway safety, or the capacity of the transport system
- ST1(e) It will not conflict with an adjoining or nearby land use
- EV2 Development in the countryside will only be granted permission where it is considered appropriate. Development must be located and designed so as not to adversely affect the character of the countryside, in particular its openness.
- EV4 Development which does not adversely affect the character and quality of the mature landscape areas will be permitted.
- EV5 Proposals for development in, or likely to affect, Sites of Special Scientific Interest (SSSI) will be subject to special scrutiny. Where such development may have an adverse effect, directly or indirectly, on the SSSI it will not be permitted unless the reasons for development clearly outweigh the nature conservation value of the site itself and the national policy to safeguard the national network of such sites.
- EV6 Development which adversely affects local nature reserves or sites of importance for nature conservation or geological significance will only be permitted where:

A) Provision is made within the development for the protection of features of nature conservation or geological significance

B) The development cannot be located elsewhere. In the case of nature conservation features adequate provision is made for the creation of similar habitats where feasible,

preferably in the locality negotiated and secured by a planning condition or planning obligation.

- 2) The site is prone to flooding and in accordance with the NPPF inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where necessary, making it safe without increasing flood risk elsewhere.
- 4/12/88/0990 – Application for residential development on 3.26 acres of land. Refused and dismissed at appeal in 1989.

4.0 STATUTORY REQUIREMENTS

- 4.1 By Sections 70(2) and 79(4) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 this Appeal must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

5.0 RELEVANT LOCAL AND NATIONAL PLANNING POLICY

5.1 The statutory Development Plan in force for this appeal comprises the Ashfield Local Plan review (2002).

Development plan policies and national policies referred to in the Reason for Refusal

5.2 The following policies were identified in the reason for refusal and for clarity are reproduced in full below.

"POLICY ST1 DEVELOPMENT WILL BE PERMITTED WHERE:-

a) IT WILL NOT CONFLICT WITH OTHER POLICIES IN THIS LOCAL PLAN,

b) IT WILL NOT ADVERSELY AFFECT THE CHARACTER, QUALITY, AMENITY OR SAFETY OF THE ENVIRONMENT,

c) IT WILL NOT ADVERSELY AFFECT HIGHWAY SAFETY, OR THE CAPACITY OF THE TRANSPORT SYSTEM,

d) IT WILL NOT PREJUDICE THE COMPREHENSIVE DEVELOPMENT OF AN AREA,

e) IT WILL NOT CONFLICT WITH AN ADJOINING OR NEARBY LAND USE."

(Criterion specified in Reason for Refusal and underlined above)

"POLICY ST2 DEVELOPMENT WILL BE CONCENTRATED WITHIN THE MAIN URBAN AREAS OF HUCKNALL, KIRKBY-IN-ASHFIELD AND SUTTON-IN-ASHFIELD AS SHOWN ON THE PROPOSALS MAP."

"POLICY ST3 LIMITED DEVELOPMENT WILL BE PERMITTED WITHIN THE NAMED SETTLEMENTS OF JACKSDALE, SELSTON, UNDERWOOD, BESTWOOD, BRINSLEY AND NEW ANNESLEY AS SHOWN ON THE PROPOSALS MAP."

"POLICY ST4 OUTSIDE THE MAIN URBAN AREAS AND NAMED SETTLEMENTS PERMISSION WILL ONLY BE GIVEN FOR:-

a) SITES ALLOCATED FOR DEVELOPMENT,

b) DEVELOPMENT APPROPRIATE TO THE GREEN BELT OR THE COUNTRYSIDE AS SET OUT IN POLICIES EV1 AND EV2."

"POLICY EV2 IN THE COUNTRYSIDE PERMISSION WILL ONLY BE GIVEN FOR APPROPRIATE DEVELOPMENT. DEVELOPMENT MUST BE LOCATED AND DESIGNED SO AS NOT TO ADVERSELY AFFECT THE CHARACTER OF THE COUNTRYSIDE, IN PARTICULAR ITS OPENNESS.

APPROPRIATE DEVELOPMENT COMPRISES:

a) RURAL USES, INCLUDING AGRICULTURE, FORESTRY, MINERAL EXTRACTION AND WASTE DISPOSAL TO RECLAIM MINERAL WORKINGS,

- b) *OUTDOOR SPORT, OUTDOOR RECREATIONAL AND TOURISM USES,*
- c) *CEMETERIES AND UTILITY INSTALLATIONS REQUIRING A RURAL LOCATION,*
- d) *NEW BUILDINGS WHICH ARE ESSENTIAL FOR USES APPROPRIATE TO THE COUNTRYSIDE AND THE NEED FOR THE PROPOSED LOCATION HAS BEEN ESTABLISHED,*
- e) *RE-USE OF EXISTING BUILDINGS,*
- f) *REPLACEMENT, ALTERATION OR EXTENSION OF EXISTING BUILDINGS WHERE THE RESULTANT FORM, BULK AND GENERAL DESIGN IS IN KEEPING WITH THE BUILDING, WHERE RETAINED, AND ITS SURROUNDINGS,*
- g) *INFILL DEVELOPMENT WHICH DOES NOT HAVE AN ADVERSE EFFECT ON THE SCALE AND CHARACTER OF THE AREA,*
- h) *WITHIN THE VILLAGES OF FACKLEY AND TEVERSAL, DEVELOPMENT WHICH DOES NOT HAVE AN ADVERSE EFFECT ON THE CHARACTER OF THE VILLAGE."*

5.3 The Reason for Refusal also makes reference to Section 15 – Conserving and Enhancing the Natural Environment - of the National Planning Policy Framework (NPPF).

5.4 In Section 15, paragraph 170 of the NPPF states that:

Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) *protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
- b) *recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*
- c) *(...);*
- d) *minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*
- e) *preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and*
- f) *remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.*

5.5 Paragraph 175 states that when determining planning applications, local planning authorities should apply the following principles:

“a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons¹ and a suitable compensation strategy exists; and

d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.”

5.6 Paragraph 178 states that planning decisions should ensure that a site is suitable for its proposed use taking account of the ground conditions and any risks arising from land instability and contamination.

5.7 Paragraph 180 states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment.

Other relevant Development Plan policies and national policies

5.8 Other relevant Development Plan policies, as set out in the Officer’s Report which went to Planning Committee, include the following:

Adopted Ashfield Local Plan review (2002).

- Policy EV6: Sites of Importance for Nature Conservation – Seeks to protect Local Nature Reserves and Sites of Importance for Nature Conservation or

¹ Footnote 58 here provides “For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat.”

Geological Significance. Sets out specific criterion for when development will be permitted which may have an impact on these assets.

- Policy EV8: Trees and woodlands – Seeks to protect trees worthy of retention.
- Policy HG3: Housing density – Sets out housing density requirements.
- Policy HG4: Affordable Housing – Sets out Affordable Housing requirements.
- Policy HG5: New residential development – Sets out criteria for when housing development will be permitted.
- Policy HG6: Open space in residential developments – Sets out Open Space requirements in residential development.
- Policy TR2: Cycling provision in new development – Sets out requirements for cycle parking / access / routes within new development.
- Policy TR6: Developer contributions to transport improvements – Sets out requirements for developer contributions to transport improvements.

National Planning Policy Framework (NPPF)

The NPPF includes a number of other policies that are relevant to the determination of this application. Please see **Annex 1** for more details on this.

Residential Design Guide SPD 2014

This Supplementary Planning Document (SPD) has been prepared by Ashfield District Council to help ensure high quality residential developments are achieved in the district.

The SPD sets out how the Council expects the location, form and type of residential development in Ashfield will be considered through the design process. It is taken into account as a material consideration which has considerable weight in making decisions on planning applications.

Residential Car Parking Standards 2014

This SPD sets out residential car parking standards.

Emerging Draft Ashfield Local Plan

- 5.9 The Council is currently preparing a new Ashfield Local Plan, but it is still in its early stages. As such, it is not considered a material consideration at this time.

6.0 OVERVIEW OF THE COUNCIL'S CASE

- 6.1 By Sections 70(2) and 79(4) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004, this appeal must be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 6.2 The appeal proposal is in conflict with a number of policies in the Development Plan and is not considered to be in accordance with the Development Plan as a whole.
- 6.3 On balance it is also considered that the adverse impacts of this development significantly and demonstrably outweigh the benefits of the proposal.
- 6.4 It is the Council's case that the appeal proposal will not protect the character and appearance of the local area and surrounding landscape (including Brierley Forest Park).
- 6.5 Furthermore, there will be significant and demonstrable impacts on biodiversity.
- 6.6 The Council is also of the view that a satisfactory density of development on the site is not achieved, having regard to site constraints and in relation to the surrounding area.
- 6.7 Taking these harms together, including the proposal's conflicts with Development Plan policies, the adverse impacts of the development significantly and demonstrably outweigh the benefits of the proposal.

7.0 THE COUNCIL'S CASE

7.1 The application was refused on 23 March 2021 for the reason set out in the Decision Notice.

(i) Development Plan

7.2 It is accepted by the Appellant (see the Appellant's Statement of Case at 6.4) that the appeal proposal conflicts with Saved Policies ST1-ST4 and EV2. This statement considers the impacts of this in more detail in Section 8 on "Conclusions and Planning Balance".

7.3 Policies ST1 – ST4 of the Ashfield Local Plan review (2002) identify areas where the Council would support new development (namely focussing development towards more sustainable urban areas). It is acknowledged that these policies are more restrictive than the NPPF which perhaps has a more balanced approach to rural development. That said, the NPPF's requirement for sustainable development does steer development proposals towards areas which have the highest levels of services and facilities (e.g., Paragraph 182 – "*Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs)*"). As such, the Council's Planning Proof of Evidence will explore and discuss the conformity of these policies to the NPPF and the weight to be given to them in the determination of the planning application, and consequently this appeal.

(ii) Impacts on character and appearance

7.4 The appeal proposal conflicts with Policy EV2 of the Ashfield Local Plan review (2002) (the Appellant accepts this point at paragraph 6.14 of its Statement of Case). This is not only because it does not constitute "appropriate development" as listed in that policy; but also, because it will adversely affect the character of the countryside, in particular its openness.

7.5 The appeal proposal also conflicts with paragraph 170 of the NPPF, which the Appellant also accepts at paragraph 6.14 of its Statement of Case, which *inter alia* requires that planning decisions "contribute to and enhance the natural and local environment by...recognising the intrinsic character and beauty of the countryside".

7.6 The Council will make the case that although the site does not form part of any formally designated 'valued landscape' in terms of Paragraph 170(a) of the NPPF, it is clearly of local importance and value to those in the local community and vicinity who appreciate the benefits of open views across it. The last 18 months (with the

Covid 19 pandemic) have shown the importance of having a sense of space and the mental health benefits that brings.

7.7 Whilst there are no public footpaths across the site itself, there is a footpath nearby and, in any event, you do not have to access onto the site itself to be able to appreciate the openness and views that it contributes to. Any open space provided as part of a development will not have the same effect as experiencing the calmness of a wide-open space.

7.8 This was recognised in a recent planning appeal decision for Bassetlaw Council where the Inspector dismissed an appeal for 170 dwellings (ref: APP/A3010/W/20/3265803 – see copy of decision at **Annex 2** of this Statement).

7.9 A similar case was made where although the landscape had not been formally designated as a 'valued landscape' in NPPF terms it was nonetheless of local value. The Inspector, in his decision, stated at Paragraph 73 that:

"The appeal site has no formal designation as a 'valued landscape' in terms of Paragraph 170 of the Framework. However, the site does contribute to, and forms part of, a locally valued landscape by residents and the local community. The 'valued landscape' in this context relates to its local amenity value, its character, how it is experienced by local people and its contribution to that experience. As such, although not part of a formally designated 'valued landscape', its value to local people should not be automatically diminished or limited as a result."

7.10 In concluding the Inspector stated (to reiterate this related to a landscape which was not formally designated as a 'valued landscape' in NPPF terms or protected / designated as an AONB etc...):

"...the visual impact of the scheme, particularly when viewed in its surroundings, would significantly harm the character and appearance of the landscape."

7.11 As per the appellant's suggestion, the Council believes this issue is best considered through a 'round table' discussion and would ask the Inspector to allow this approach.

(iii) Ecology

7.12 The decision by Planning Committee with regards to impacts on biodiversity is supported by three particular areas of concern. There is insufficient mitigation to protect the Brierley Forest Park woodland that is located alongside the north boundary of the development. The fabric of the woodland could be damaged by trampling and fly-tipping and the population of broadleaved helleborine is at risk of decline, if access through the proposed development is not controlled. The

woodland, particularly where it adjoins the fishing lake is good quality habitat for bats and at present has no source of artificial illumination. The proximity of housing could have an adverse impact because the buffer zone is insufficient to stop light spillage into the woodland from adjacent housing. Street lighting will be under the control of the developer, but not the lighting from individual houses. The proposed development has not determined the impact to great crested newt, because the presence or absence of the species has not yet been established. Should great crested newt be present the risk calculator that is used to determine the need for a European Protected Species Licence indicates that there is a significant risk of committing an offence because of habitat loss.

(iv) Density

- 7.13 In terms of density, it should be noted that in the Officer Report which went to Planning Committee, it was stated that the Masterplan (which was submitted as part of the application) should not be a condition on any permission, as it did not contain (for example) the scrub planting buffer to the park. This clearly raised concerns with the Planning Committee that the proposed level of housing could not be delivered without creating a development of such high density that it would not be in keeping with the character of the local area and ultimately result in poor placemaking (as sought through planning policy – see the Government’s recent ‘Build Beautiful’ requirements). The Council will explore this further in its Planning Proof of Evidence.
- 7.14 All of the issues above are also covered by overarching policy ST1 (criterion a, b, and e,) which does not support development which conflicts with other policies in the Local Plan (a), adversely affects the character, quality, amenity or safety of the environment (b) or conflicts with an adjoining or nearby land use (e) for example Brierley Forest Park.

8.0 CONCLUSIONS AND PLANNING BALANCE

- 8.1 In the context of a plan-led system, the Development Plan has statutory primacy pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 38(6) requires that the appeal be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case, there are recognised conflicts with policies ST1-ST4 and EV2. Consequently, the appeal proposal is not, therefore, in accordance with the Development Plan as a whole and, therefore, permission should be refused unless there are material considerations which indicate otherwise.
- 8.2 The NPPF is a recognised material consideration in this context.
- 8.3 It is acknowledged that the Council cannot currently demonstrate a 5-year housing land supply (as required by paragraph 73 of the NPPF) therefore footnote 7 of the NPPF is triggered.
- 8.4 As was recently confirmed by the Court of Appeal in *Gladman vs SSCLG* [2021] EWCA Civ 104 however, even where the tilted balance is triggered, this neither automatically determines a planning application nor allows for the primacy of the development plan to be circumvented and disregarded. There is still a requirement to carry out a full 'balancing exercise' of the adverse impacts and benefits of a proposal, and this will include (where relevant) consideration of a proposal's compliance and/or conflict with Development Plan policies.
- 8.5 This approach is consistent with Paragraph 213 of the NPPF which states that:
- 'existing policies should not be considered out of date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies contained in the plan to the policies contained in the Framework, the greater the weight that maybe given'.*
- 8.6 For example, Policy EV2 from the Ashfield Local Plan review (2002) states that development must be located and designed so as not to adversely affect the character of the countryside, in particular its openness. This is very much in-line with Paragraph 170 of the NPPF which states that planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.
- 8.7 Overall, and notwithstanding that it is accepted that the proposed development will bring forward some benefits (including the delivery of housing and affordable

housing), the Council considers that the adverse impacts of the proposal significantly and demonstrably outweigh these benefits. The proposal's adverse impacts include:

- (i) The development's conflict with relevant Development Plan policies and NPPF policy (as referred to above);
- (ii) The development's detrimental impact on local landscape, character and appearance
- (iii) The development's harm to biodiversity; and,
- (iv) The harm caused by the inappropriate density levels expected on the site.

8.8 The Council will accordingly invite the Inspector to withhold planning permission and to dismiss the appeal scheme.

ANNEX 1 – National Planning Policy Framework

Section 2 – Achieving Sustainable Development

Paragraph 7 explains that the purpose of the planning system is to contribute to the achievement of sustainable development.

Paragraph 8 states that the planning system has 3 overarching objectives – economic, social and environmental.

Paragraph 10 requires sustainable development to be pursued in a positive way.

Paragraph 11 seeks to ensure that proposals that accord with an up-to-date development plan are approved without delay or where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

Paragraph 12 explains that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

Section 5 - Delivering a sufficient supply of homes

Paragraph 59 states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

Paragraph 61 explains that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies.

Paragraphs 73 and 74 state that all Councils should have a minimum 5-year supply of housing to meet demand.

Section 8 – Promoting Healthy and Safe Communities

Paragraph 91b) states that Planning decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of clear and legible pedestrian routes, and high-quality public space, which encourage the active and continual use of public areas.

Paragraph 94 states that local planning authorities should give great weight to the need to create expand or alter schools through the preparation of plans and decisions on applications

Paragraph 96 explains that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities.

Section 9 – Promoting Sustainable Transport

Paragraph 108 states that it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users; and
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Paragraph 109 states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 110 states that applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;

- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Section 10 – Supporting High Quality Communications

Paragraph 112 explains that advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being.

Section 11 – Making Effective use of Land

Paragraph 117 states that decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land

Section 12 – Achieving Well Designed Places

Paragraph 124 states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 127 states that decisions should ensure developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where

crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Section 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change

Paragraph 155 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

Paragraph 163 states that when determining applications local planning authorities should ensure that flood risk is not increased elsewhere.

ANNEX 2 - Appeal Decision APP/A3010/W/20/3265803