

BROCKLEY WOOD SCC/0105/22B

The Suffolk County Council Decision was challenged on the following grounds:

- a. Ground 1: Such consideration being mandated by section 38(6) of the Planning & Compulsory Purchase Act 2004, or to perform its duty to 'protect and enhance valued landscapes' pursuant to NPPF 2023 paragraph 180.

A failure by the Defendant to have regard to LP18 of the Babergh & Mid Suffolk Joint Local Plan Nov 2023 ('JLP') and in turn the Valued Landscape Assessment for the Suffolk Coast & Heaths Additional Project Area (March 2020) [CB/412].

- b. Ground 2: The Defendant erred in failing to consider reasonable alternatives which would mitigate the impacts of the working of the site on: the Valued Landscape, Grade II\* Listed Bentley Old Hall, the residents of Bentley Old Hall and Bentley Old Hall Barn, users of the public right of way to the south of the site and the local road network as it passes through nearby villages, such alternatives being material considerations pursuant to s.70(2)(c) TCPA 1990 and pursuant to the EIA Regulations 2017. These alternatives are particularised below. To the extent that it is alleged by the Defendant that such alternatives were in fact considered, no reasons have been provided to explain why they were not pursued.
- c. Ground 3: The Defendant erred in failing adequately to consider the impacts of the Development on local communities arising from 160 additional HGV movements per day or to consider in accordance with the law the options available to mitigate these impacts. This ground comprises the multiple substantive and procedural failures set out below.
- d. Ground 4: The Defendant erred in failing properly to assess the noise impacts of the Development (including concrete crushing for 130 days per year) over at least 17 years on the residents of Bentley Old Hall and Bentley Old Hall Barn in the following ways: i. undertaking a materially defective assessment of background noise data at these noise sensitive locations; ii. use of inappropriate methodology for assessing the acceptability of inflicting the long-term impacts of inert waste processing on nearby residents; iii. failure to consider opportunities to mitigate these impacts by means of the reasonable alternatives referred to in Ground 2 above.