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The Planning Inspectorate

COMMENTS ON CASE (Online Version)

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Appeal Reference: APP/K3415/W/24/3340089

DETAILS OF THE CASE

Appeal Reference	APP/K3415/W/24/3340089
Appeal By	SUMMIX BLT DEVELOPMENTS LIMITED
Site Address	Land North of Browns Lane Tamworth Staffordshire B79 8UT

SENDER DETAILS

Name	MRS ELIZABETH MARJORAM
Address	19-20 Church Gate Loughborough LE11 1UD
Company/Group/Organisation Name	Barwood Strategic Land II LLP

ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- ☐ Appellant
- ☐ Agent
- ☑ Interested Party / Person
- ☐ Land Owner
- ☐ Rule 6 (6)

What kind of representation are you making?

- ☐ Final Comments
- ☐ Proof of Evidence
- ☐ Statement
- ☐ Statement of Common Ground
- ☑ Interested Party/Person Correspondence
- ☐ Other

YOUR COMMENTS ON THE CASE

Dear Sir or Madam

Please can you draw to the Inspector's attention our highways objection to this proposed development. We act for Barwood Strategic Land II LLP which secured the approval of the Secretary of State in June 2018 at a recovered appeal in respect of the Arkall Farm scheme for 1000 units on land north of Ashby Rd, Tamworth.

The Summix appeal scheme is EIA development and at application stage we raised concerns that the assessment of highways matters was not procedurally correct. There is no highways reason for refusal and the adequacy of the highways mitigation cannot be certain in the absence of such assessment. It is our view that a reason for refusal should have been imposed which required this further assessment. This matter is still before the Inspector for this appeal, because of the comments raised by us at application stage.

The basis of our objection is that the appellant unlawfully treats only 300 (and not all 1000) units as committed development at Arkall Farm and it relies on the same highways mitigation as the Arkall Farm scheme, thus possibly depriving the Arkall Farm scheme of its necessary mitigation and prejudicing the delivery of the Arkall Farm scheme or possibly leaving highways impacts unmitigated.

• The highways assessment for the Summix scheme is incomplete because it fails to treat all 1000 dwellings as committed at Arkall Farm
• The highways assessment for the Summix scheme may be wrong because it relies on the same mitigation as the Arkall Farm scheme, whereby those schemes will be needed to mitigate the Arkall Farm scheme and might or might not also extend to provide for the Summix scheme
• A decision to approve the Summix scheme would be vulnerable to Judicial Review if it were to fail to take this material consideration in respect of the lack of assessment of highways impact into account

There is no doubt about the deliverability of the Arkall Farm development. Barwood Strategic Land II LLP has an extant legal agreement with the owners to support the sale and completion of the development. That site is also an allocated site in Lichfield District Council's Local Development Plan. Outline planning permission for Arkall Farm was granted by the Secretary of State in June 2018. Reserved matters have been approved for the first two phases of development, including for 314 homes. Development has commenced and the delivery of the first phases are making good progress. The sale of the next phase of development is expected to complete shortly.

Against this background, we have previously raised our concerns and objection to the local planning authority on 2 February 2023 and a copy of our representations and supporting written advice of King's Counsel David Manley is attached here.

The appellant claims that the monitor and manage approach for identifying the precise mitigation scheme(s) required for all 1,000 homes creates uncertainty about the Arkall Farm development's deliverability beyond 300 homes. However, this is misleading. The monitor manage approach names the specific mitigation schemes which may be necessary in order to deliver the 1000 homes.

It should be noted that as part of the monitor and manage process, planning conditions 28 and 29 outline a number of identified mitigation options that must be considered when designing and determining the extent of mitigation required for the Arkall Farm development. Those schemes are set out in preferred order and shown on drawing references: 28648-5502-010B, 28648-5502-004A, 28648-5502-005A, 28648-5502- 006A, 28648-5502-011A, J32-3125-PS-106 B, and J32-3125-PS-113A.

We therefore consider that the mitigation options defined on these approved drawings are for the Arkall Farm development. There has been no analysis of whether they can cater for any other development. However, it is clear that the proposed Summix highway mitigation scheme for the appeal proposals relies on the same mitigation and therefore it could deprive the Arkall Farm development of the

mitigation which was designed for the 1000 dwellings consented by that scheme or it could result in a scenario where impacts of the Summix scheme are not mitigated at all.

We would also like to highlight that we submitted a Section 73 application to Lichfield District Council in April 2024, which proposes to amend (and remove as appropriate) the planning conditions that relate to the Monitor and Manage Strategy. The purpose is to provide absolute certainty for all by removing the requirement for monitor and manage and instead secure the precise off-site highway mitigation required for all of the 1,000 committed homes and the timescales for its implementation. Whilst that Section 73 application has not yet been approved, there has been extensive and positive pre-application engagement and discussions with Planning and Highway Officers at Lichfield District Council and Staffordshire County Council over the last nine months and so there is a realistic prospect that this application will be approved and within the determination period. The mitigation proposed in that application includes a combination of the mitigation identified on the approved mitigation options drawings defined in conditions 28 and 29 of the outline planning permission.

We would be grateful for the opportunity to further respond to any new representations which the appellant may wish to make in response to this objection.

COMMENT DOCUMENTS

The documents listed below were uploaded with this form:

Relates to Section:	REPRESENTATION
Document Description:	Your comments on the appeal.
File name:	Summix BLT Developments - DMKC Advice 2.2.2022.pdf
File name:	2 Feb 2023 objection.pdf

PLEASE ENSURE THAT A COPY OF THIS SHEET IS ENCLOSED WHEN POSTING THE ABOVE DOCUMENTS TO US

RE: SUMMIX BLT DEVELOPMENTS LIMITED
(18/00840/OUTMEI) ("the Summix Scheme")

A D V I C E

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1. I am asked a series of questions but in essence they boil down to the following:

   - Is the LPA's approach to the Summix Scheme at 5.10 – 5.12 of the Officer's Report ("the OR") accurate and/or lawful? If not, what should the LPA do to correct any error?

   - Has the Local Highway Authority fallen into error in its approach to the Summix Scheme?

   - Could approval of the Summix Scheme prejudice the delivery of the Barwood Arkall Farm planning permission ("the PP")?

Background

2. I am instructed by Barwood Strategic Land LLP. In order to understand the above questions, it is first necessary to understand the Arkall Farm PP and the events leading up to it.

3. On 7th June 2018 the Secretary of State granted planning permission for "The phased development of up to 1,000 homes, primary school, local centre, public open space,

landscaping, new vehicular and pedestrian access, primary substation …" at Arkall Farm. While the "up to" qualification might ultimately result in marginally less than 1,000 units, the permission permits 1,000 units to be constructed and the decision-making process had been conducted on that basis. At Paragraphs 13 and 14 of the Decision Letter, the Secretary of State had said:

> "*Highways*
>
> 13. For the reasons given in IR10.3.1 to 10.3.6 the Secretary of State agrees with the Inspector that the proposed Monitor and Manage approach to highways impacts, secured by condition would provide an appropriate level of mitigation to meet actual highway conditions at the relevant future time. He notes that all four highway expert witnesses, including that of the highway authority, agree that the site could provide 1,000 dwellings.
>
> 14. The Secretary of State notes that there is disagreement between the parties on whether a suitable scheme to mitigate the full 1,000 dwelling proposal could be brought forward without a CPO, but agrees with the Inspector in IR10.3.3 and 10.3.6 that there is no legal or policy impediment to granting planning permission, and that should a CPO be required in due course, the highway authority would consider the need to enhance the existing highway network and the responsibility placed on it by NPPF …"

4. The Inspector's summary of Barwood's case is set out at Paragraphs 4.3.1 – 4.3.4. At Paragraph 4.3.3 he recorded:

> "Following discussions between the Applicant and SCC a 'cascade' solution has been identified. It is accepted by all parties that a scheme based on the MODE CPO option, which would require third party land, can mitigate the full 1,000 dwelling proposal. It would be the last option in a range of alternatives and provides certainty that there is a design solution that would accommodate the full scheme. The agreement is documented in the Highways Statement of Common Ground (SCG) that is signed by all four main parties and includes suggested conditions 27, 28, and 29. The former secures the implementation of improvement works at Fountains Junction, at no more than 200 houses, which in turn would allow the scheme to proceed to 300 dwellings before any further mitigation works, if any, are required with a final mitigation trigger at 500 dwellings. Importantly, it is accepted that should permission be granted then the 1,000 dwellings would be treated as a commitment and any subsequent

development proposals would have to allow for the full quantum of development at Arkall Farm."

The recorded acceptance that the 1,000 units would be a commitment so that any subsequent third party development proposals would have to allow for a full 1,000 units build out was no more than a reflection of national guidance, namely PPG para.014-42-014-20140306.

5. Tamworth Borough Council's Case Summary noted, inter alia:

> "6.3.4. The highways experts for the four main parties all agree that what has been identified is a range of measures, one of which would require additional land (with CPO scheme), which would, if implemented, mitigate the traffic impact of the full 1,000 dwelling scheme. The 'with CPO' scheme is not before the SoS and nobody seeks any planning endorsement of it. Its relevance is that it illustrates one means by which the highway impact could be mitigated. It is then necessary to ask whether a condition should be imposed to prevent development beyond 300 dwellings until it has been demonstrated that an acceptable scheme of highway improvements would be approved, deliverable and effective.
>
> 6.3.5. The law in that regard is clear. A Grampian condition would restrict the development to 300 dwellings. Such a condition would limit the phases of development that could come forward until schemes of mitigation are shown, at the relevant time, to be effective in avoiding unacceptable traffic congestion in Tamworth. If an acceptable scheme were delivered to mitigate the highway impact of further development there would be no highway objection to such additional development. This is the Monitor and Manage approach."

This is important. All parties, including the LPA and the Local Highway Authority ("the LHA") were agreed that various schemes had been identified which could mitigate the impact of the 1,000 consented units albeit that the LHA felt it to be possible that CPO measures would be necessary.

6. All of the foregoing enabled the Inspector to conclude as follows:

> "10.3.3. In accordance with the duty in paragraph 187 of the NPPF to look for solutions rather than problems, a 'cascade' solution

has been identified. All parties agree that the final option, based on the MODE CPO option that would require additional land, could mitigate the full 1,000 dwelling proposal. This is documented in the Highways SCG. However, BSL and LCD do not consider that land beyond the highways boundary would be necessary. There would be no legal or policy impediment to granting planning permission. This is important given the contribution it would make to meeting the housing needs of two local planning authorities.

10.3.4. Subject to conditions on the operation of the Monitor and Manage scheme, SCC in its role as highway authority is satisfied that there is a reasonable prospect that a scheme would come forward to mitigate the full proposal. In terms of Monitor and Manage, suggested Condition 27 would ensure that no more than 200 homes would be occupied before improvements were made to the Fountain's Road junction. A Monitor and Measure assessment would be completed before more than 300 dwellings were completed and, depending on the outcome, mitigation options would be considered sequentially in line with suggested Condition 28. No more than 500 homes would be completed before another Monitor and Manage assessment, and consideration of appropriate mitigation was carried out to go beyond the 300 homes trigger. This could be ensured by suggested Condition 29."

7. In 2019 a Monitor and Manage strategy was approved and development has commenced at Arkall Farm. Further phases of the development will be assessed in the light of prevailing highway network conditions as the development progresses.

8. The Summix proposal is for 210 dwellings which will have highways impacts which overlap with parts of the network, not least the Upper Gungate Corridor, impacted upon by the Arkall Farm commitment. An Officer's Report has been prepared recommending refusal on four grounds. Highways is not one of the grounds of suggested refusal. The LHA do not object to the Summix Scheme and the OR summarises the position as follows:

"5.9. In April 2022, the position of the County Highway Authority has been challenged by representatives of the Arkall Farm Development who are concerned that there is a fundamental highways impact arising from this proposal which could prejudice the delivery of the committed planning consent at Arkall Farm for 1000 houses. The consent for Arkall Farm is subject to a monitor and manage approach to traffic mitigation, which is assessed at different phases during the delivery of the

development. A number of conditions allow flexibility in the delivery of highway improvements to support the 1000 dwellings granted consent, which is assessed at the point of the delivery or occupation of 200, 300 and 500 dwelling houses. Currently, the development is in its early stages, with less than 300 dwellings being constructed and occupied. Notwithstanding this, there is a clear commitment to deliver al 1000 houses on Arkall Farm site. The validity of the information submitted (and upon which the Highways Authority have provided a consultation response on) and the need for further Environmental Impact Assessments have been raised as fundamental issues.

5.10. The County Highway Authority have been informed of the challenge, as set out above, and have reiterated their position in detail. They note that, the proposal has been assessed on the grounds of its impact along with committed development of up to 300 dwellings from the 1000 permitted at Arkall Farm. The evidence concludes that the proposals, along with 300 dwellings at Arkall Farm and the package of off-site highway works to be delivered by the applicant along the Gungate corridor (to be secured by S278 Highway Works Agreement (design and build) and S106 (programme of delivery)) would result in a nil detriment to baseline traffic conditions in the locality. Whilst they acknowledge that there is a commitment to deliver a further 700 houses on the Arkall Farm site, any m mitigation necessary would be captured in the relevant discharges of condition necessary to allow the Arkall Farm development to proceed and the operation of the monitor and manage strategy.

5.11. Given the scope of the proposals and the information already provided, it is not considered that a further revised Environmental Impact Assessment is necessary. The updated chapters of the EIA recognise that 1000 homes are committed at Arkall Farm and considers their cumulative potential effect on the environment. This is approach to the EIA is justified because there is no equivalent environmental 'monitor and manage' strategy at Arkall and nor is it suggested that the proposal would achieve environmental 'nil-detriment' with the proposals and only 300 dwellings at Arkall Farm (such as with traffic impact). The developer has therefore accepted that the EIA must consider the combined full effect of the proposal and Arkall Farm.

5.12. The Council have considered the Arkall Farm developers concerns and the details response of the County Highway Authority whose views as a statutory consultee should be given 'great weight' as set out in case law (Shadwell Estates Ltd v. Breckland DC [2013] EWHC 12). This approach is considered to be reasonable given the Secretary of State decision to approve the Arkall Farm development with a staged monitor

> and manage approach to traffic mitigation and resolving conflicts on the local highway network. Paragraph 111 of the NPPF sets out that 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. The proposed development is considered, in relation to surrounding committed developments, to not result in an unacceptable impact and it can be concluded that the proposals would therefore not result in a severe detrimental impact upon the highway network."

9. Leaving aside the suggestion at Paragraph 5.12 ibid that a highways reason for refusal could only be sustained in unacceptable/severe impacts could be demonstrated by the LPA (a suggestion that is wrong as a matter of law - see below), the reasoning is otherwise quite tortured. In essence, the LHA's position, which may or may not be accepted by the LPA (although on balance it appears to be), is that as the Arkall Farm commitment is phased with highway mitigation to be investigated at various trigger points, it is permissible to treat Arkall Farm as only committed for 300 units which leaves network capacity for the 210 units proposed in the Summix Scheme. In other words, it potentially transfers the responsibility for mitigation of the Summix Scheme to a later phase of the Arkall Farm commitment. One only has to pause to note that the Summix Scheme EIA assesses cumulative impacts in relation to <u>all</u> other issues (other than highways) on the basis of 1,000 units at Arkall Farm to see how utterly bizarre the approach is.

10. In reality, the LHA approach is in error because:

(1) It does not in fact treat the Arkall Farm commitment as a commitment for 1,000 units but rather 300 units. If it did recognise it as a commitment for 1,000 units, it could not conclude as it does. As the Tamworth BC submission made clear (see above), there were a range of mitigation options for the full 1,000 units which were made available to the Secretary of State. The LHA's apparent suggestion that there is no final mitigation scheme for Arkall Farm is not to the point - there are a series of workable options and the Summix Scheme should have taken those as a starting point.

(2) What the LHA says is directly contrary to w hat was the agreed position by all parties at the Public Inquiry for Arkall Farm (see Paragraph 4 above), namely that any post-Arkall proposals would have to allow for the full quantum of development at Arkall.

(3) What is said is at odds with PPG (and indeed IHT advice) concerning the need to take account of commitments in assessing the highway impacts of development proposals.

11. My own perusal of the Summix Scheme EIA work confirms that at no point has the submission ever assessed the impacts of that scheme on the basis of 1,000 units being developed at Arkall Farm. Equally as troubling is the fact that the Summix mitigation insofar as it is relevant to this Advice is an amalgamation of a number of the mitigations referenced under the Arkall Farm consent which raises the spectre of Summix depriving a committed scheme of its own necessary mitigation.

The Law

12. The key relevant propositions are as follows:

- An OR must not seriously mislead members. If it does, it will be unlawful. The principle was summarised by Lindblom LJ in *Mansell v. Tonbridge and Malling BC* [2019] PTSR 1452:

> "(2) The principles are not complicated. Planning officers' reports to committee are not to be read with undue rigour, but with reasonable benevolence, and bearing in mind that they are written for councillors with local knowledge: see the judgment of Baroness Hale of Richmond JSC in *R (Morge) v Hampshire County Council* [2011] PTSR 33, para 36 and the judgment of Sullivan J in *R v Mendip District Council, Ex p Fabre* [2017] PTSR 1112, 1120. Unless there is evidence to suggest otherwise, it may reasonably be assumed that, if the members followed the officer's recommendation, they did so on the basis of the advice that he or she gave: see the judgment of Lewison LJ in *R (Palmer) v Herefordshire Council* [2017] 1 WLR 41, para 7. The question for the court will always be whether, on a fair reading of the report as a whole, the officer has materially misled the members on a matter bearing upon their decision,

> and the error has gone uncorrected before the decision was made. Minor or inconsequential errors may be excused. It is only if the advice in the officer's report is such as to misdirect the members in a material way - so that, but for the flawed advice it was given, the committee's decision would or might have been different - that the court will be able to conclude that the decision itself was rendered unlawful by that advice."

- In the absence of a satisfactory Transport Assessment, an LPA is entitled to refuse permission if a real risk of adverse impact arises. The LPA is entitled to take a precautionary approach. In *Satnam Millennium Ltd v. SOS* [2019] EWHC 2631 (Admin) (in which I appeared for Warrington BC) the Court observed:

> "The fundamental problem in the way of Mr Lockhart-Mummery's argument is that the development plan and paragraphs 109 and 111 of the Framework are compatible. The effect of paragraph 111 of the Framework is to require a developer to produce a transport assessment which is sufficiently satisfactory for a conclusion about the severity of the impact to be reached. If that is done, and the impact is less than unacceptable or severe, there is no highway basis in the Framework for refusing permission in a 'tilted balance' case. But if the transport assessment is too deficient in that respect for a judgment to be reached, paragraph 109 cannot assist. Otherwise, it would be open under the Framework for a developer to come forward with no sound work, and require the Council to prove the serious impact. That is not how the two paragraphs are meant to work. Both the Framework and the development plan start from the same premise, that the developer must have produced a sound and reliable transport assessment. The IR is at pains to explain the significant deficiencies in the work done by Satnam, such that no sound and reliable conclusion about the degree of impact could be drawn from it. In certain circumstances, that might not matter, where there was clearly no problem; it might be, as the Inspector may have been concerned here, that Satnam might not have had all the assistance from authorities that it required to carry out the necessary work; it might also be that, in the nature of transport modelling, one could always seek further data, validation and studies, and that the time had to come when the decision-maker was entitled to say that enough was enough. The Inspector was conscious of that too.
>
> But all that said and done, the Inspector concluded reasonably, that the data uses was too old; there was no adequate explanation as to why later data and the 2016 model had not been used. The manner in which the work came forward, after

> a significant delay to the Inquiry, clearly troubled the Inspector as to its reliability. The Inspector also accepted that the highways which would be affected, were congested, experienced delays and further congestion when vehicles diverted off the M52, and it was possible that recent highway improvements for the benefit of all users could be negated by the traffic from this development. Whilst the unction improvements could work and be satisfactorily emplaced, he was concerned that that needed to be demonstrated; and there could also be a loss of the benefits of recent improvements. Against the background of the existing highway problems, introduction of significant further traffic required a precautionary approach, so that there would be no severe impacts. That precautionary approach required a satisfactory and reliable transport assessment, which was not provided."

- A decision-maker must have regard to material considerations - this proposition is so well established that I do not propose to cite authority for it,.

- A public body must not abuse its power. A clear example of this well-known maxim is to be found in *R (ex p Powergen plc v. Warwickshire CC* [1997] EWCA Civ 2280. In that case a Highway Authority had its objections to a development heard, and dismissed, by the Secretary of State. It then refused to enter into a Section 278 agreement to permit the approved development to be carried out. Simon Browne LJ noted:

> "I have reached the clear conclusion that the Judge below came to the right answer: that following a successful appeal by the developer the relevant highway authority has no option but to co-operate in implementing the planning permission by entering into a s.278 agreement. Although both the judgment below and the arguments before us focused principally upon the scheme of the legislation and whether the highway authority's approach to its s.278 discretion thwarted the policy and objects of the 2 Acts here in question - see, for example, Padfield v Minister of Agriculture, Fisheries and Food [1968] AC 997 - I for my part prefer the broader Wednesbury analysis of the case. Indeed, so far from this appeal raising, as Mr Supperstone submitted, 'a short point of statutory construction' I see it rather as raising this simple question: is it reasonable for a highway authority, whose road safety objections have been fully heard and rejected on appeal, then, quite inconsistently with the Inspectors' independent factual judgment on the issue, nevertheless to maintain its own original view? To my mind there can be but one answer to that

question: a categoric 'No'. That answer, I should make plain, I arrive at less by reference to any general question regarding the proper legal relationship between planning authorities and highway authorities upon road safety issues than in the light of these basic considerations:

1. The site access and associated highways works here, together with the road safety problems which they raised, were (a) central (indeed critical) to this particular planning application, and (b) considered in full detail rather than left to be dealt with as reserved matters.

2. This planning permission was granted following appeal to the Secretary of State and not merely by the local planning authority itself. In the perhaps unlikely event that a local planning authority, having consulted with the highway authority under the provisions of article 18 of the GDO, nevertheless in the face of road safety objections grants a conditional planning permission of the kind granted by the Inspector here, it seems to me less than self-evident that the highway authority would thereby become obliged to co-operate in its implementation by entering into a s.278 agreement. True, Article 12 of the 1997 GDO, by which a local highwa6y authority could give directions restricting the grant of planning permission by a local planning authority in this kind of cases, was repealed by the 1988 GDO, but it does not follow that the local planning authority thereafter in turn became able to dictate the highway authority's course.

3. There were no new facts or changed circumstances whatsoever following the Inspector's determination of this appeal. The highway authority's continued refusal was based upon the identical considerations that their witness had relied upon in seeking to sustain the planning objection before the Inspector. Quite what change of circumstances would entitle a highway authority in this sort of case to withhold its co-operation after an appeal it is, of course, impossible to lay down in advance. Some help, however, may be found in Sir Thomas Bingham MR's approach in Onibiyo v. Secretary of State for the Home Department [1996] Imm AR 370 to the very different question of what constitutes a fresh asylum claim:

> 'The acid test must always be whether, comparing the new claim with that earlier rejected, and excluding material on which the claimant could reasonably have been expected to rely in the earlier claim, the new claim is sufficiently

> different from the earlier claim to admit of a realistic prospect that a favourable view could be taken of the new claim despite the unfavourable conclusion reached on the earlier claim.'"

Concluding Analysis

13. It is apparent that the LHA has fallen into error. It appears to acknowledge (of necessity) that the Arkall Farm permission is a commitment within the generally understood narrow planning definition, but at the same time it fails to properly engage with the consequences of that for the Summix Scheme by not insisting that Summix addresses the likelihood of 1,000 units being built out at Arkall Farm. In so acting it:

- fails to follow relevant Guidance/Technical Advice;
- fails to acknowledge at any point the detail of the SoS's decision (or the IR) at Arkall Farm; and
- fails to acknowledge what was agreed at the Arkall Farm Inquiry - not least that any later development would have to treat Arkall Farm as a commitment for 1,000 units.

In acting as it is, the LHA appears to be adopting a position that undermines the position it adopted at Arkall Farm and further undermining the delivery of that scheme.

14. The LPA's errors appear to overlap. They were a party to the Arkall Farm Inquiry and the position adopted there cannot be departed from in the absence of some significant and therefore material change in circumstances. Regardless of the LHA's position, they are expected to know and understand the consequences of Arkall Farm being a commitment for 1,000 dwellings. To be party to a scenario in which Arkall Farm effectively mitigates the Summix Scheme is ludicrous. Moreover, as the *Satnam* case makes plain, it is simply wrong to suggest that they are unable to take a precautionary approach. The simple fact is that the Summix Scheme's EIA/TIA does not assess at any point 1,000 units at Arkall Farm in its highway narrative and plainly, in the absence

of that, it is incomplete. That entitles - indeed demands - an additional ground of refusal based upon a lack of reliable information which can demonstrate an absence of severe highway impacts. While the LPA is obliged to give significant weight to the LHA's view, it is not obliged to accept it - indeed, if it concludes the LHA is in error in its approach, it is obliged to reject its advice.

I so advise.

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1st February 2023

RE:

SUMMIX BLT DEVELOPMENTS LIMITED (18/00840/OUTMEI)
("the Summix Scheme")

A D V I C E
