

Lakenheath Parish Council

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SINGLE ISSUE REVIEW & SALP LAKENHEATH UPDATE

Sirs,

Site SA8(b) – Extant JR on primary school development

Lakenheath Parish Council wish to take the opportunity of informing the Inspectors of the latest position relating to housing growth in our village.

Since the amended housing distributions suggested last year by FHDC, approval notices have now been issued in relation to Sites SA7(b), SA8(a) and SA8(c) providing some 288 additional dwellings in Lakenheath with very little improvement to infrastructure.

Site SA8(b)

Approval for site SA8(b), which includes the preschool and primary school site was resolved to be approved in September 2018 by committee, but the approval notice is still awaited. This site would add another 375 dwellings giving a total of 633 additional dwellings.

On 23 October 2018 Suffolk County Council (SCC) granted permission for a preschool and primary school on site SA8(b), initially for 210 places increasing to 420 but making allowance for further growth to provide for 630 places, together with a preschool facility providing for initially 60 places by way of two sessions of 30 each.

Lakenheath Parish Council, have now initiated Judicial Review proceedings to challenge SCC's decision (case ref CO/4850/2018) to approve the school application and have instructed Richard Buxton Solicitors and Charles Streeten, barrister, FTB chambers. The JR includes 3 grounds:

- Ground 1: The Council's decision to grant the Planning Permission in circumstances (1) where Suffolk County Council failed to have proper regard to the best interests of the child under Article 3 of the United Nations Convention on the Rights of the Child and to treat this as a primary consideration; and (2) SCC failed to have regard to, and/or interfered disproportionately with, the rights of future pupils at the New School under Article 8 ECHR.
- Ground 2: SCC failed to have proper regard to the Public Sector Equality Duty ('PSED') under section 149 of the Equalities Act 2010.
- Ground 3: SCC breached regulation 3 of the Town and Country Planning (Environmental Impact Assessment) Regulations in that the ES failed properly to assess the environmental impacts of alternatives in breach of Article 5(3)(a) of Directive 2011/92/EU ('the EIA Directive'), as implemented under the EIA Regulations.

On 28 January 2019 John Howell QC, sitting as a Deputy Court Judge granted permission on ground 3.

A rolled up hearing on the case with permission on grounds 1 & 2 is listed for hearing 28 March 2019 before the Planning Court (copy attached).

The Parish Council's position is well known that site SA8(b) is not suitable for a preschool and primary school due to severe adverse noise impacts which cannot be mitigated outside and therefore will lead to serious interference with the educational objectives set by the government. This is because, as the Inspector will know, the school site is located directly under the return twin track flight path of military aircraft returning to RAF Lakenheath. RAF Lakenheath is one of the largest NATO Military Base in Europe with known future expansion plans when the United States Air Force make it the home for its new generation stealth jets, F-35s due to arrive November 2021. Even at current operational standards, military jet noise already exceeds, by a wide margin, all acceptable noise standards and will affect the welfare of children living in this parish, and will harm their education attainment. To substantiate this we attach a copy of a report from Clarke Saunders, an expert noise consultant instructed by the Parish Council together with the data Clarke Saunders collected in August 2018, supported with a letter and attachment from the RAF. The monitoring material was placed on a site adjacent to the proposed school site therefore not even directly under the Jets flight path, as the proposed school will be.

Harm to educational attainment

As the Inspector will appreciate the decision by the Parish Council to initiate JR proceedings against SCC was not taken without serious consideration and due regard to advice on noise impacts from Clarke Saunders. We brought the case because of our strong belief that a new school in this location will result in inferior learning opportunities and create a situation for young learners which contravenes the strong emphasis on outdoor play as part of the Early Years curriculum. The Parish Council and current primary school Governors have repeatedly raised these concerns in its objections as far back as July 2016 when site options were being considered. Objections were formalised to the development of a primary school and preschool on the Station Road site in April 2018 in response to the full school planning application.

Our view, supported by our legal advisors, is that in deciding to place a new school on the Station Road site SCC has failed to carry out its legal duties to have regard to the best interests of children and failed to consider its public sector equality duty.

The Parish Council is greatly concerned with the welfare of all of the members of its Parish, and especially young preschool and primary school-age children who are at a greater risk from the noise disturbance from sudden and loud overhead military jets. Our concerns stem from the fact that the jet noise levels will be so great as the jets prepare to land so as to interrupt school learning and as encouraged by OFSTED outdoor play at very regular intervals. In fact, the actual levels involved are way beyond those at which teaching and instruction becomes difficult - touching as high as nearly 100 decibels. These levels are high enough to induce a startle response with the associated behavioural difficulties this can bring and will reduce learning opportunities for the children. We refer you to a letter from the Headteacher dated July 2016 explaining the unsatisfactory noise situation at the existing school. The adverse noise impacts arise from its proximity to the RAF base but the existing school unlike that proposed on site SA8(b) does not suffer from overhead flights. Ironically when the Governors sought funding from SCC to noise insulate the classrooms at the existing school, SCC refused to provide this funding. A year ago there was no acceptance by the Local Planning Authority that there was a nuisance by way of noise. This is now recognised in the conditions relating to noise insulation material to be used for both the proposed school and the housing developments. Is this really considered as a suitable site for primary schooling? We can find no precedent in the entire UK for a primary and pre-school to be deliberately sited directly below a military jet flight path. In our situation it is a major twin track flight path.

Key Service Centre

Finally, we request that you reconsider the designation for the Village as a Key Service Centre mentioned in earlier submission. A Key Service Centre implies many more facilities. In fact services are diminishing, with the closure of Lloyds Bank last October serving a village with an aging population without internet facilities. Other facilities such as the Library and Post Office are at risk. Things will not improve with nothing of note to be gained from the 663 plus proposed houses.

Please consider these serious submissions in providing your eventual decisions relating to the SALP and agree with us that the site allocation of SA8(b) is not appropriate for development.

Yours faithfully

Lakenheath Parish Council

Attachments:

1. Lakenheath Parish Council v. Suffolk County Council CO/4850/2018) Detailed Facts and Grounds
2. Planning Court Order 28.1.2019
3. Clarke Saunders acoustics, submitted to West Suffolk of 30th August with the attached data (3(a))
4. RAF letter of 4 September together with their attachments to verify the data our own specialist has provided.
5. Letter from the Head Teacher, Lakenheath Community Primary School to FHDC 27th July 2016
6. High Court Order regarding rolled up hearing dated 11.2.19