Matter 1 – Procedural/Legal Requirements

Issue: Have all Statutory and Regulatory requirements been met?

Key:
LTLA Final Draft Plan Submission 25 February 2019 = Final submission
LTLA First Draft Plan submission 14 September 2018 = First submission

Questions: Sustainability Appraisal

Question: 1.2 Is the Sustainability Appraisal (SA) adequate?

1. No.

2. LTLA Final submission addresses this at 1.3 – 1.6; 2.11; 3.32 – 3.34.

3. LTLA raised concerns in both their Final and First submissions regarding the systemic failure to do the groundwork first i.e. undertake robust analysis of sites, and to only then consider the allocations and carry out the SA process on the basis of the detailed background reports. The consequence of this is that the SA is neither reliable nor informed by the Council’s own evidence base, conflicting with a top-down land use planning approach. The SA does not withstand close scrutiny and the evidence base lacks the necessary demonstration of achievability and suitability. In effect the Council has undertaken this activity with a closed-mind, and the SA simply seeks to retrofit the Council’s preferred strategy.

4. The SA process is legally flawed as it has not been carried out objectively, and negative assumptions have been made about alternatives that are not supported by the evidence, and lead to an unreliable SA scoring process. The SA scoring for SCLP12.29 unfairly relies on unsupported negative assumptions pertaining to discounted options. This skews the scoring in favour of the Council’s preferred option over other development scenarios. This was outlined by LTLA in their First submission at 2.8 - 2.9, and is now a theme that has run through to the Final Draft Plan.

5. A worrying consequence of the flawed SA as referred to in LTLA’s Final submission at 2.11, is that alternatives to deliver sustainable growth in Saxmundham (Policy 12.28) have been wrongly discarded.

Question: 1.3 Has the SA been undertaken on the basis of a consistent methodology and is the assessment robust?

6. Concerns about methodology relate to how alternatives were considered – see 1.4 below.
Question: 1.4 Has the SA taken into account reasonable alternatives and has sufficient reasoning been given for the rejection of alternatives?

7. No.

8. LTLA Final submission addresses this at 3.1-3.31.

9. The Council has fallen far short of meeting their legal requirements under the SEA Directive, The Environmental Assessment of Plans and Programmes Regulations 2004, and supporting case law e.g. Save Historic Newmarket and Calverton Parish Council (see 3.23 of Final submission). There is the lack of reasonable alternatives due to the inherent prejudice by the Council against split sites for SCLP 12.29. In addition, there was the inclusion of two split sites as “reasonable” alternatives to SCLP12.29 (option 1 and 8) which in effect means that these were in themselves unsuitable according to the Council’s criteria. More confusing however is that the SCLP12.29 site itself has ended up being “split” with employment land (site 716) across the busy A12. The approach by the Council has been entirely confusing and inconsistent.

10. LTLA’s evidence shows that there are viable alternatives with less adverse harm in planning terms and which are capable of delivering the quantum of housing and the social and economic benefits relied on by the Council in its preferred options selection process (see Final submission 2.60 - 2.62; 3.20).

11. At 3.5 – 3.13 of LTLA’s Final submission it is highlighted that alternative option 1 is discarded on incorrect information, that the northern part of site 435 as originally submitted is not available during the lifetime of the plan. During earlier consultation responses, the Council was alerted to the fact that it is available, and so this assumption is incorrect, and therefore the scoring flawed. LTLA also raised concern that site 435 which was scored to be suitable for 450 units of housing in the SHELAA and a school (SHELAA page 485) was not carried forward in the plan other than as a discarded alternative. This concern is well-founded since as explained above on an objective assessment the SA scoring which underpinned this decision is flawed and unreliable.

12. What also is not explained is the lack of serious engagement by the Council in alternatives which can deliver betterment of education provision to serve the growth in and around the Saxmundham communities. Since the school was a prerequisite of development, that fact should have been made clear as part of the Council’s call for sites guidance so as to have a fair and level playing field for developers submitting sites for consideration.

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On behalf of Leave The Layers Alone
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