MATTER 1


A7_ReplD842: my R19 response; the attachment to pp1049-1052 forms a basis for answers here.

Generally, it touches upon questions here from the perspectives of SCLP12.18, SCLP12.35, SCLP12.66.

Port = Port of Felixstowe, its operator
LA = Suffolk Coastal/East Suffolk Council

Question_1.1  Duty to Cooperate

Answer: No in respect of Employment distribution, Housing distribution, Alternative Sites.

1. There is undoubted evidence of engagement. However, there is also clear evidence that it fell short of requirements in some significant ways, which has undermined the soundness of parts of the Plan. Examples follow.

2. It appears the Viability Report D38 was not considered before finalising policies, reference A1_Plan_p434_SCLP12.35 “if viability undermines”; D38 reported not viable.

3. No evidence of consultation with Network Rail and Highways England about transport aspects of SCLP12.35, even though costs of infrastructure were crucial to site assessment and should be allocated in the policy.

4. No evidence of direct input from the Port other than a brief (and non-committal) Reg19 response, A7_ReplD964, which undermines one of the main justifications for SCLP12.35.

5. No evidence of positive and active consultation, positive cooperation with Tendring DC (LA for Harwich Port) and Thurrock DC (LA for London Gateway), DP World (about SCLP12.35), Waveney DC (then distinct from Coastal), Suffolk County Council: reference Ipswich Northern Route options, impactful relationships between the mentioned Ports.

6. Trinity College released new reports during Reg19 consultation (A7_ReplID1378_p2755) that, by timing, allegations and content, show clear dispute, lack of cooperation and lack of respect between them and the LA. Was the LA aware of these reports and failed to issue them for public consultation or did Trinity not engage as required by the Act? Either was unprofessional and undermines the soundness of both the SA and SCLP12.35.
7. Incidentally, the community should expect to be able to carry out a full Reg19 review of an agreed position from these co-authors of SCLP12.35.

8. Apparent lack of communication with Suffolk County about their intentions for Trimley’s old and new schools (ref SCLP12.66). FDLP_12.750_p387 and Policy suggest a new, additional school whereas County’s Reg19 response (A7_ReplID1104_p2534) says it may replace the old one, with implications for size and soundness of policy SCLP12.66.

9. Ipswich Northern Route: Ipswich Borough and East Suffolk (Coastal and Waveney) are principle beneficiaries with significant impacts on spatial needs and traffic in latter. Lack of certainty inescapable given that Suffolk County has not progressed its initial proposal yet, but this must be applied consistently. The Policy is restrained about land West of the A12 at Woodbridge because of this and one should expect it would be shown for other major, strategic policies that require heavy investment and commitment and might also be affected. In particular, the case for B8 need in the area (reference SCLP3.1a, SCLP12.21, SCLP12.35) might vary significantly according to configurations of a Northern Route.

10. A1_Plan_p443 and _p19_2.15, Upper Orwell Crossings: references are clearly out of date and it is reasonable to think this had a material impact on decisions in the SA.

**Question_1.2** Sustainability Appraisal adequate

**Question_1.3** Sustainability Appraisal consistency, robustness

**Question_1.4** Sustainability Appraisal reasonable alternatives and rejections

**Answer:** Together, No

11. Significant policies with potential major harms and soundness and sustainability issues are based on the SA. Yet there was not adequate consultation about them (reference Question_1.1).

12. Problematic policies that are being robustly challenged are pointing to inadequate SA. Evidence of reasonable alternatives was not considered and rejected objectively and robustly. E.g., challenges to SCLP12.3, SCLP12.35, SCLP12.66.

13. LA may choose the methodology it uses for evaluation of Alternatives. For this reason, A7_ReplID_842 and others have not responded with their own Alternatives ratings. But the methodology must be robust and applied objectively. All significant factors must be considered, with consistent and effective scoring. Further, scores should not be used unduly in lieu of an objective balance of benefits, harms and policies. The robustness of the SA will be demonstrated by the soundness of the Site Policies it informs and it should be re-assessed iteratively, as necessary. The volume, depth, rigour and consistency of challenges to Housing policies and policy SCLP12.35 evidence the SA’s evaluation of Employment Alternatives is not adequate, consistent, robust and objectively prepared.

14. Numerous Reg19 responses identify that comparison factors for these were too limited and not the right ones, that scoring method was not effective at evaluating relative merits of each site.

15. Negative impact (according to location) on the A14’s and/or A12’s primary function of “” (Highways England mandatory policy XXXX) should be a factor. Rail access appears to be a non-factor, reference Question_3.50 (comments on SCLP12.35 and Reg19 response A7_ReplID1378_p2755).
16. Full infrastructure costs (or informed estimates) were not factored in consistently. Site policies should state these costs and their apportionment, per NPPF (Viability). The likelihood that a site owner/developer can and will fund necessary infrastructure up-front is significant.

17. For SCLP12.35, “port related” uses were not split out into their constituents and evaluated and located individually, despite they have very different characteristics and needs. Ref Questions_2.22, 3.47, where answers demonstrate clearly this was not sound.

18. Evaluation assumed that entire “port related” need should be met by one site. There is no policy justifying that. There is no other evidence justifying this in terms of viability, sustainability, efficiency, reduction of required investment, mitigation of negative impacts. Evidence for Question_3.47 indicates that these were affected negatively contrary to Framework and Plan policies. Also, such concentration of provision concentrates risk of delivery on one developer and is a threat to competition. It has a negative consequence in unjustifiably limiting the choice of reasonable Alternatives. Further, a non-linear relationship between scale of operation and viability, and likelihood that the risk of non-delivery/inefficient use increases with the allocated size of a site, should be scored as a risk.

19. Evidence from site owner (A7_ReplID1340 Walker Farm) that “port related” employment sites were not acknowledged and considered in a positive, open-minded, creative way; and/or there was not enough diligence in identifying them. Challenges raise searching questions about lack of communication, inexplicable rejection about significant Alternatives and I anticipate these will be pursued at the Examination.

20. Availability of sites has not considered the LA’s powers under the 2004 Act, given the strategic importance attached to locating B8 land.

21. No evidence that alternate locations and uses were balanced to best effect and least risk and negative impact.

22. E.g., The infrastructure cost of SCLP12.34 is stated as unknown, without a convincing reason, and is factored as nil, which is not sound.

23. E.g., Christmasyard Wood may be a good candidate for (off)port-support uses including container dwell and transhipment because, for that use, it is adjacent to existing port land and may be accessible by private track (an enormous gain for viability and efficiency). Investment required for any railway crossing (not a given necessity) was not scored consistently with that required for an A14 crossing at Innocence Farm. Any implicit assumption about source of funding must be explicit because it could be wrong.

24. The estimated timing of investment/delivery should be a factor for B8 use, because of the risks of fickle customers in a very competitive supply market and the negative desirability of uncertainty and delay. Cases of this are public knowledge.

25. Policy SCLP4.3 (intensification and expansion of use) is not factored in. Critical for B8 uses because of their huge land grab. Factor should have been how effectively the boundary of each site (and its reasonable expansion) is defined. Innocence Farm and adjacent land have no boundaries and there is significant risk that B8 permission here could ultimately consume a huge part of the Peninsula: applications may not be judged rigorously enough and major impact/sustainability challenge, with disproportionately negative and unsustainable consequences. In contrast, the boundaries of (e.g.) SCLP12.21 Ransomes, site Christmasyard Woods are very effectively constrained.

26. Policy SCLP4.1 (quasi-retail) and possible invocation for a site was not a site-selection factor either: it would be positive or negative according to amenity or potential harm to nearby retail centres. This is a special concern at Innocence Farm, where retail applications appear likely and the harm to Felixstowe Town significant.
27. Alternative Uses were similarly not judged objectively and adequately. In particular, Agriculture and rural businesses have been under-valued contrary to NPPF83(b)(c),118(b),170(a)(b). It is possible that Agriculture, its intensification or diversification, can be the most sustainable form of employment, but I see no acknowledgement of this in the SA.

**Question 1.9  Climate Change**

**Answer: No?** This is brief; I am not deeply familiar with the Act and answer in basic terms with regard to specific site allocation policies.

28. East Suffolk and Suffolk County have declared Climate Emergencies. This should be reflected in the Plan.

29. SCLP12.35 does not: heavy reliance on diesel HGVs for shuttling, low gear manoeuvring of intricate access and traffic delays, and significant association of engine idling with waiting lorries (compare with ports such as DP World using electric shuttles); loss of high grade agricultural land, including loss of the best agricultural soils to buffering; unsustainability in setting of the Peninsula’s longer-term size and shape after sea level rise.

30. Noted that SCLP12.35 requires the addition of an electricity sub-station, resulting ultimately and inevitably in more Global warming. That policy fails to require self-generation capabilities on-site, such as solar PV or heat-pumps (built area restrictions surely could not be an excuse), detracting from its soundness.

31. Housing policies SCLP12.65 and SCLP12.66 (and possibly others) fail to encourage use of Solar PV and heat pumps, although the soil types at their location appear suitable.