MATTER 2  

2,933 words


A7_ReplID842: my R19 response; the attachment to pp1049-1052 forms a basis for answers here.

Question_2.2 Over-supply implications

Answer: as follows

1. A7_ReplID842 notes, in commenting on SCLP12.66, that the Plan has allocated more housing than justified. The question prompts more explanation.

2. I anticipate that other respondents will continue to demonstrate robustly that the Plan substantially over-delivers, without adequate justification.

   Direct impacts

3. Over-provision increases the likelihood that developers will hold back development, thus negating the assurance of overly-high contingency provision. Under-delivery would be counter to NPPF16(b),120(a) and not sound.

4. Domestic property prices around Felixstowe tend to be comparatively lower than at Ipswich and Woodbridge (D38_pp9-10 and evidenced by the lowest CIL rate in the District), despite good transport connections, suggesting local supply is meeting market demand, and so contingency for Felixstowe should not exceed NPPF73’s lower guidelines.

5. There was widespread Reg19 criticism of the loading of housing numbers onto the Trimley villages, so close to the major allocation at North Felixstowe. This robustly identified numerous harms, infrastructure challenges and other issues with planned housing in Felixstowe and Trimley St Martin, a water re-cycling challenge, inadequate funding for schools, medical, social facilities due to the low CIL rate and other viability issues (NPPF122).

Proposed Main Modifications

6. Evidence supports restoring soundness by reducing housing requirement in the most contentious/sensitive locations (not by a marginal change across all sites, which would also breach to NPPF122(b) (efficiency), beginning as follows.

7. SCLP3.1(c), reduce the target.

8. SCLP12.66, remove housing (strongly justified by issues raised in Question_2.17,2.18,2.19,3.92);

9. SCLP12.65, reduce requirement/density to any residual, special need in the immediate environs of Trimley St Martin (e.g., elderly accommodation).
10. SCLP12.3, reduce/eliminate requirement at western end, North of Candlet Road/Spur roundabout, with benefits of reduced infrastructure needs and possibility of providing crucial space for port-support logistics, for which it would be better related to the Port than Innocence Farm (this is not an evaluation of that alternative but an acknowledgement that it may exist).

11. A1_Plan_p45_Table3.5, adjust accordingly.

Consequential impact - Proposed Main Modifications

12. Suffolk County should re-evaluate: need to relocate Trimley St Martin primary school, with potential to save money and restrict policy SCLP12.66 to community facilities, or building a replacement on Howlett Way (revise policies SCLP12.65,12.66 accordingly).

13. There may be further consequences or need for Main Modifications to maintain Soundness but I have confined this answer to impact on locations and policies I commented on per Reg19.

Question_2.4 SCLP2.1

Answer: No

14. Policy does not identify the specific contribution from the District to the wider-area totals, rendering it ineffective, NPPF16(b)(d). Main Modification: include/refer the requirements in Table 2.3.

Question_2.5 NPPF61

Answer: No for policies SCLP12.65,12.66

15. SCLP5.8-5.10 set overall targets but are not effective for deciding individual applications (NPPF16d).

16. Mix crucial to viability of individual sites and should be established at Plan stage (NPPF16,61,122,180).

17. SCLP12.65,12.66 are unsound because they do not deliver NPPF35,61, impacting viability and effectiveness (refer A7_ReplD1513_p2149_2.14-15 and “bungalows”, which I suspect the LA did not intend, and Matter3_Questions_3.92-3.97 for Main Modifications).

Question_2.17 SCLP3.1

Answer: No for policy SCLP3.1 (a)(c)(d)(g)(h).

18. A7_ReplD842_pp5-8 touches upon this.

19. Wording not fit for purpose: SCLP3.1(a), (h) too vague and ambiguous to deliver effectively and satisfy expectations of NPPF16(d),81(a).

20. SCLP3.1(a) permits the baseline 6,500 jobs to have allocation “significantly above” the objectively-assessed land requirement, contrary to NPPF122 “efficient use”; and/or, noting SCLP3.1(h), that identified employment needs may be ignored in favour of “port-related” employment, contrary to NPPF8(a), NPPF80 (particularly footnote 40).
21. SCLP3.1(a)(h) can only be understood in terms of SCLP12.35 (mainly) and a few other site policies. Justification rests on those. SCLP3.1(a) does not add anything to those. (a)(h) are needless duplication per NPPF16(f).

22. SCLP3.1(c) conflicts with 2014 housing requirements: reference answers to Q2.1, Q2.2.

23. SCLP3.1d) justified but not effective: no evidence in the Plan of delivering road infrastructure. Provisions (g)(h) merely consume it. An Ipswich Northern Route is mentioned in two places but not within a policy, and there appears to be no strategy. Given the significance of a route and its alignment, this seems ineffective.

24. SCLP3.1 is also unjustified and ineffective at a deeper level, in terms of its appropriateness and excessive focus on one objective at the expense of necessary wider goals. Deferred to Question_2.22.

**Main Modification**

25. Lacks clear strategy for supporting the Port per NPPF104(e), footnote 42. Defer to Q2.22.

**Question_2.18 SCLP3.2 Settlement Hierarchy**

**Answer: No for Trimley St Martin**

26. A7_ReplID842_pp9-11 touches this question for SCLP12.66, concluding housing allocation at that site is not sound. This question prompts more specific explanation.


28. Trimley St Martin: does not have a serviceable Village Hall / Community Centre for Public use (an existing hut is too small and said by the Parish Council to be unserviceable; a social club is privately owned), has few retail outlets, the Convenience Store being very small and increasingly inaccessible because of traffic conditions; has little spare school capacity.

29. Incidentally, any impression that Trimley St Martin is sizeable is due to recent growth that, unfortunately, has not been accompanied by a proportionate increase in community and retail facilities.

30. Policy SCLP12.66 seeks to address inadequate Primary School capacity and acknowledges also lack of a public, serviceable hall/community centre; but proposes merely a possibility of shared use of the new School. Reg19 respondents conclude this is unrealistic and inadequate because it excludes any community use during school hours and could conflict with extended-hours school use; reasonable to expect halls/community centres to be available at all times.

31. Reg19 respondents demonstrate harmful impacts in the village from policies SCLP12.65,122.66. Additionally, Suffolk County’s proposal to close Trimley St Martin’s old school and re-locate its pupils (from a wide area including Kirton) in the new school, would exacerbate traffic problems in Trimley High Road adjacent to the Convenience Store.

32. Either SCLP12.66 is inadequate and unjustified at least about housing, or policy SCLP3.2 unjustifiably classifies Trimley St Martin as a Large Village without due provision for an effective hall/community centre and mitigation of traffic around the convenience store. They cannot both be sound.

33. **Modification:** (tentatively) redefine Major Village more effectively, re-classify Trimley St Martin and/or lower housing requirement (reference Matter3_Questions3.92-3.97).
Question_2.19 Table3.5

Answer: No for Trimley St Martin

34. A7_ReplD842 touches upon this question for SCLP12.66, concluding it is not sound to allocate housing at that site. This question prompts more specific explanation.

35. Trimley St Martin has been allocated 671 new dwellings, which is 6% of the total for the area. In contrast, other Large Villages have been allocated about 1% each. There is no explanation of this in the Plan and the classification as a Large Village is doubtful too (Question_2.18 answer above).

36. In close proximity, Trimley St Mary and Felixstowe have been allocated a further 30% together.

37. Plan policies for this locality (e.g., SCLP12.65, 12.66, 12.3) acknowledge stresses on infrastructure and possible difficulty remedying that, apparently exacerbated by inadequate CIL returns (the rate is low for the locality).

38. SCLP12.65 proposes large expansion of “Port related” activity in the same area, adding community stress while doing little more than, at best, relocate existing employment from elsewhere (reference Question_2.22 later).

39. Considering NPPF_8(c),11(b-ii),122(d),180(a) and SCLP4.5(b)(c)(e)(f) as a whole, this is demonstrably significant evidence of over-proportional allocation for this small tip of the Colneis/Felixstowe Peninsula, harming character and setting of Trimley St Martin, its separation from Trimley St Mary, and settings of the Orwell and Deben AONBs.

Question_2.20 Flexibility, SCLP3.3

Answer: Flexibility, no specifically referring to SCLP12.35,12.66; Boundaries below.


Flexibility

41. SCLP12.35 proposes monolithic and (by intention) monopolistic development with substantial infrastructure demands, struggling to meet NPPF11(a), there being more possible changes than demand growth.

Boundaries

42. Settlement boundaries serve NPPF117,118,122(d),170,180 and general principle of Planning. They are restricted in nature for rural areas. Flexibility results from having many Settlement Boundaries.

43. However, the new Boundary in SCLP12.66 is unjustified, not least because it does not contribute to housing need and (by overdevelopment) risks insufficient flexibility for local school needs (Question_3.92).
Question_2.22  land ‘significantly above’ baseline

Answer: No

44. Full answer needs to look beyond simply numbers, at the whole strategy of SCLP3.1 and whether it is justified in its present form, and effective in meeting the needs of the area (and Port in particular). Following demonstrates serious flaws, omissions.

45. A7_RepID842_pp5-8 (SCLP12.35) refers to this issue (apparently its principal beneficiary).

46. Question_2.17 (above) finds SCLP3.1(a) not effective as policy. In order to propose any Main Modification and prepare ground for Matter_3_Question_3.47, this answer explores justification of an implicit policy existing behind SCLP3.1 although the Plan failed to articulate it: [referencing SCLP12.35, a principal implementation] support sustainable economic operation/growth of the Port by: allocating land for (1) overspill of essential port-support operations; (2) aggregating warehousing/distribution for Ipswich Functional Economic Area and beyond in a new, dedicated port-centric facility with at least 67ha.

Provision for Port-support

47. Valid to expect need-above-baseline for this as the Port of Felixstowe (the Port) exhausts its capacity for container storage, port-based haulage and ancillary port services that can operate off-port. Difficulty is quantifying this: D1_p39_table4.2 attempts to predict gross figures but confuses them by conflating with other requirements; need depends greatly on factors outside the LA’s control; spare capacity within the Port is uncertain (D1_p44_table5.2 67-73ha, A7_RepID1378_p2755_attachment_Development_Land_Review_p14_3.23 38.5ha and _p23_6.6 minimum 50ha brownfield) but appears adequate for growth (A7_RepID964_p1444). Significantly the Plan appears not to have been informed by direct cooperation with the Port – substantial failure to cooperate, resulting in a baseline too uncertain to form a sound policy.

Provision for port-centric distribution

48. The case for this is flawed and not proportionately justified for its scale and commitment required. D1_p22_3.3-3.7 indicates a cost-advantage from streamlined dock-to-warehouse transport within a short distance, but this appears to ignore the economics of warehouse-to-customer shipment being correspondingly negatively impacted. It is confused with a case that increasingly warehousing/distribution in the Midlands and along the A14 (which would include Innocence Farm and anywhere in the area East of the Orwell) is disadvantageously positioned too far from centres of demand.

49. Viability of port-centric at Felixstowe is marginal at best - all agree on that, D38_p74_8.14 states it is unviable. The case for it is based on minimal (argued inadequate) investment in infrastructure and hope of external help. Competition especially from London Gateway Logistics and changes in transport costs/policy could easily and instantly make SCLP12.35 uncompetitive and undeliverable. It gravitates to major competitor London Gateway having an integrated Logistics park and claims that is a risk to Felixstowe Port’s fortunes. Truth is that London Gateway is serendipitous and opportunistic, it is both fully integrated and located in the hub of southeast demand as significantly as it is port-centric, there is single ownership of port and logistics ensuring synergy/cooperation, shunting is off-highway/electrifiable + automatable, transport was designed in, it is an improvement of the original land, it has no serious planning challenges otherwise, it has benefited from a committed private sponsor with deep pockets and experience. The SCLP12.35 proposal has none of those attributes, making SCLP3.1 high risk and not sound by association.

50. The likely scale of port-centric is hugely uncertain and argued, depending on many assumptions (assume/assumption used 51 times in D1) and factors outside the control of the LA and developer, a potential challenge to NPPF122 (efficiency).
51. Notably the Port Authority (A7_RepID964_p144) is non-committal about SCLP12.35, focussing more on its own new, Logistics Park. It is not depending on port-centric other than a smallish amount on-port because it serves the IFEA in the same way as hinterland beyond, having acknowledged competitiveness (£26 perTCU under London Gateway (Hutchison_Port_Ship2Shore_No.14_p6_Nov13), not challenged in the EB) at shipping straight to its hinterland by road and rail, both receiving new Government investment.

52. It is not possible to justify policy SCLP3.1(a) on this single, high-risk implementation, strongly incidentally indicating SCLP12.35 is also unsound (addressed explicitly in Q3.47 – Q3.51).

**Consequences and Opportunity costs**

53. Focus of finite resources on the “port-centric” aspiration will have adverse impact on delivery of other, pressing economic needs.

54. The Plan’s housing provision (ref Question_2.2) has no specific up-lift for the “significantly greater” B8 target. Justifiable to conclude that: (a) the LA does not expect this land-hungry B8 operation to generate any significant employment opportunities; or more new and/or existing, local jobs will be in B8; or new B8 jobs will be filled from outside the area by native or immigrant workers, either commuting across the area or by housing them locally in greater numbers-per-dwelling (with investment-purchased HMOs). None are particularly attractive possibilities, with well-being benefits expected by NPPF.

55. Plan_p30_3.16 notes young people leave the area because of no attractive jobs, presumably seeking the Government’s priority employments and similarly highly-skilled and fruitful jobs), leading to an unduly ageing population. Port-centric B8 economy offers only limited employment (ref. previous para) as warehouse shift-workers or “white van” drivers for long A14/A12/M25 hauls to London-centred customers.

56. Objective land-needs assessment defines (SCLP2.1) the target for all “employment” land within the IFEA at 49.8 ha including previous undeveloped allocations, well below the LA’s aspiration for SCLP12.35 and indicating the latter will struggle to find users.

57. A1_Plan_p30_3.13,3.17 note that micro and small businesses together with self-employed are a significant to the area’s economy and suffer from lack of development land. Doubtful that B8 allocation of limited land for large businesses will remedy that.

58. History has not been kind to communities that rely upon a single, large employer. The LA should beware of that trap for Felixstowe. References to it being the UK’s largest container port and major employer should have sounded a bell. SCLP3.1 fails to address this. Felixstowe Town Council should have been assisted to draw in other sources of employment instead of relying on SCLP12.35.

59. A7_RepID1378_p2755_attachment_Devolution_Land_Review shows graphically that the Port has much underused/outmoded land. This warns of a fate for 3.1, 12.35 by the Plan’s period-end: continued allocation of new land is not sustainable; policy cannot be sound (per NPPF117,118,170(f)) if it fails to address that.

60. What could ensure the Port enough customers to stretch its capacity? The Inspector cannot examine this because it is outside the plan and to be evidenced, but should he wish to consider it in his recommendations: it could reasonably be that the Port would benefit by using its transportation advantages to serve London Gateway Logistics, where there is spare capacity and accommodation beyond what the Colneis Peninsula can provide. Apparently, relevantly, the LA has failed to cooperate with relevant parties about any of this. General knowledge that DP World Cargospeed (Hyperloop) has a chance to introduce innovation for the Port’s and Harwich’s benefit during the Plan period.
Main Modification

61. Omitting the port-centric objective, leaving port support and adding other demands identified above, could be sound. It satisfies NPPF_8(a),11,80-82,104(e),117,118,122,170(f).

62. A13_p14_E3, because D1 recommendations are not specific otherwise, (moreover) are flawed because of conflation of distinct “port related” activities (reference Matter3_Question_3.47), there is no evidence other ISPA LAs plan to relinquish their existing B8 policy-allocations or relinquish baseline jobs, and no evidence that owners of those existing operations were consulted about LA support for a new, monopolising competitor. This suggests A13 was not positively-prepared.

63. Proposal: replace 3.1(a) with: support sustainable economic operation/growth of the Port as an inter-modal hub for transport of Container freight and vehicles (RORO), by allocating sufficient land above baseline for off-port expansion of essential port-support operations (container storage, port-based haulage, ancillary services). Assist the Port to increase efficiency through rejuvenation of in-port sites and innovative technology, by promoting its benefits for inward investment. Seek to provide well-prepared local workforce for the Government’s Industrial Strategy. Support Felixstowe as an attractive place to do business sustainably, for the benefit of the town and its community, including expanding employment independent from the Port.

Question_2.25   Ref SCLP4.2, 4.3

Answer: No

64. A7_ReplD842_p5_2_.p6_13 touch upon this for SCLP12.35 as a contributor to potential harm.

65. From experience, “Adverse” is ineffective: too vague and easily dismissed by Planners.

66. Reasonable to expect SCLP4.2_para3 should have much stronger criteria, differentiation from Para2. “Surrounding land use” ineffective at considering impact where (e.g.) settlements are separated by small gaps from proposed developments. Large-scale developments (naturally highly impactful) too easily justifiable by sequence test.

67. SCLP4.3’s criteria for intensification/expansion are less than SCLP4.2’s. Not effective at controlling expansion of commercial activities in rural areas, particularly B8, undermining NPPF_7(sustainability),8(c),16(d),35(b)(c),117,118,122,170(a)(b)(e),171,180.

68. These policies and SCLP4.5 (next question) clearly serve developer ambitions for SCLP12.35 unduly and thus are not positively prepared.

Question_2.26   SCLP4.5(c)

Answer: No

69. SCLP4.5(c) ineffective without adding “use”.

70. SCLP4.5(f) difficult to justify with NPPF55,56(a). Ineffective delivering NPPF54,56(a): unacceptable is “unacceptable” and unchanged with mere sweets.
Question_2.38 SCLP3.5_para2 vs NPPF 54-55,CIL

Answer: No, but issue is paragraph_3? addressed here

71. A7_RepID842_p6_3-11 touches this for SCLP12.35.

72. No CIL for much commercial development including B8, despite substantial need. Can/should address on-site need with Planning Conditions too (NPPF54-56).

73. Plus consider NPPF57(viability). Implies that infrastructure must be quantified at planning stage per NPPF viability: add to SCLP3.5.

74. Not positively-prepared in favouring SCLP12.35 and source of great trouble.

75. Financial Regulation does not tolerate ventures dependent on cutting corners and costs for any reason. I expect Planning to be equally diligent.