Question_3.47 SCLP12.35 justification

Answer:

1. Location, purpose, scale all not justified.

2. Benefits of “port-centric” and its land requirements, in the setting of East Suffolk, were examined in Matter2_Question_2.22 (for SCLP3.1a) and found unsound.

   A7_ReplID842_pp4-9 cover all SCLP12.35 matters.

   Basics and approach

3. Justification rests on evidence for three things: benefits and need for activities it implements, required land allocation, suitability of site.

4. Site selection questioned here, with reasonable alternatives deferring some considerations to Questions_3.48-51). Matter_2 findings referred to in combination.

5. Per Question_2.22, presented evidence is greatly confused and conflicting. Objective justification requires understanding implicit drivers of SCLP12.35 and breaking out component activities: performed below.

   Against

6. Straightforward, widely and robustly articulated by numerous respondents:

   a. Large-scale development dominating nearby villages, 24/7 heavy-handling of containers, intensive HGV movements.

   b. Outside settlement boundaries, on high-grade agricultural land.

   c. Within setting of, and separating, AONBs, long recognised, highly regarded and enjoyed for environment, biodiversity, tranquillity.

   d. Acknowledged harms from noise, light, air quality, traffic, visual intrusion, stress on the A14, likely water pollution and compromised transport links between nearby village communities.
e. Lack of robust site boundaries that, aided by SCLP4.3 or anticipated Development Order, could permit insufficiently-constrained expansion across the most prominent countryside of Colneis; rendering initial landscaping/buffering ineffective.

f. A1_Plan_p298_12.388 landscaping involves “community project”.

g. NPPF 8(a)(b)(c),11(a)(b),16(b)(d)(f),34,35(a)(b)(c)(d),81(a)(c)(d),84,117,118(b),122(c)(d),104(e),170,180.

Justification

7. Assumes three things for justification: aggregation of all future (suggestion of current too) warehousing/distribution provision across the IFEA and beyond, for “port-centric” operation; conflates this with off-port support and other transport activities; and concentrates all in one site.

8. For consideration here, the foregoing combines scale (B8) with strategic need (port support) to create location sensitivity, restricting site choice. Confuses evidence (conflating otherwise-unrelated and intrinsically-different “port related” activities) with repeated assertions of “well placed”. Thereby concentrates uncertainty, harms, business control and risks. Positive, objective justification must dissect this.

Initial dissection

9. Per D1, SCLP12.35 combines two, major objectives, adding a third:

a. (Off)Port Support: allocate overflow for port-support activities.

   Must provide this, noting strategic importance of Ports and policy to support it.

   Identified components:

   i. Administration, staff/customer services

   ii. Port-based haulier depots/parking

   iii. Transhipment/supply-chain buffering/storage (including refrigerated) (“dwell”)

b. Distribution Park: develop port-centric warehouse/distribution park for IFEA/beyond.

   Essentially business that ports serve: unnecessary for Port’s core business as trans-modal transport hub, with road/rail transhipment to hinterland. Not part of planning imperative (NPPF104e).

c. Incidental: unrelated transport needs.

   Of concern:

   i. Temporary parking for Sizewell-C

   ii. In-transit HGV parking

   iii. Quasi-retail per SCLP4.1

Needs evidence
10. Primarily D1. Developer’s response A7_ReplID1378_p2755 provided several Paid Piper reports post Reg19 consultation. Cannot be considered fully because associated with request for MM and Omitted Sites. However, they are illuminating.

(Off)Port Support: administration, staff/customer services


(Off)Port Support: haulier depots

12. Land requirement and existing provision are examined for Matter2_Question2.22.

13. Whilst closeness to Port advantageous, single site not mandatory (Hauliers may prefer their own) and reasonable to note alternative sites should exist for this modest requirement. SCLP12.35’s location and access not best.

14. Viability diminished by sharing up-front cost of infrastructure for SCLP12.35.

15. Alternatives: SCLP12.21, existing Port park.

(Off)Port Support: container buffering/storage

16. Main-stay of SCLP12.35’s justification, contributes apparently one-third HGV movement and 10-mile requirement.

17. Land requirement and existing provision are examined for Matter2_Question_2.22.

18. Significantly, A7_ReplID964_p1442-1445 does not request allocation. No evidence Port was asked for/volunteered need otherwise. Casts doubt on Duty to Cooperate and justification for SCLP12.35.

19. Off-port case is modest size. Questions_2.22,3.48 show that, logistically, SCLP12.35 marginally-viable at best.

20. Up-front access cost.

21. Driven-HGV shuttles on public roads uncompetitive with automated electric shuttles on port-owned routes, as used by London Gateway.

22. Risks: Port only customer, with own motives for storage on-port. Critical dependency on timely A14 access being provided. Security lower than on-port.

23. Reasonable alternatives: Port’s own park; known Omitted Sites could be ideal.

Distribution Park: port-centric warehousing/distribution

24. Main-stay of SCLP12.34’s justification, contributing most space and large part of traffic.

25. Necessity: claimed port-centric warehousing/distribution draws traffic to Port, but equally valid to consider that Port receives this business already because it serves warehousing/distribution across IFEA as BaU.

26. Requirement: Evidence for planning need highly variable, contested. Demand, existing provision are examined for Matter2_Question_2.22: more significantly than volume, it casts doubt on competitiveness in area.

27. Rail link not justified (Question_3.50).
28. Location: 10-mile limit unjustified, since all significant distribution from Port pipelined along A14/railway past Ipswich. Locating east-Orwell jeopardises JIT deliveries to customer-bases west. Unpacked container goods ship onward along same pipeline: evidence unpacking generates doubled traffic, pressure on A14 pinch-points actually doubled (again demonstrating unproven benefit to Port but material harm to its road corridor).

29. Real case that warehousing required south-west towards London: Port could serve BaU.

30. Single site: D1_p31_3.30 recommends “diverse range”.

31. Risks: reference Questions_3.48,3.49. Monopoly that could harm Port’s, sector’s competitiveness, future options, ability to change rapidly. Different owners of Port and park. Monolithic park possibly unable to react quickly.

32. Reasonable alternatives: number planned including SCLP12.21, Port’s park.


34. London Gateway has 230ha: 90% warehouse capacity available, well-placed for hub of demand. Reasonable to believe Port could bulk-ship there advantageously, without infrastructure cost in East Suffolk.

   *Incidental: temporary Sizewell-C parking*

35. Temporary nature contrary to NPPF170(f): reclaiming after use unrealistic.


   *Incidental: in-transit HGV parking*

37. Examined in A7_ReplD842_p8 using evidence

   *Incidental: quasi-retail*

38. Policy SCLP4.1 allows, but unnecessary and probable harm for Felixstowe Town.

   *Alternative Omitted Sites, Policy Changes: NOT AN EVALUATION BUT NOTING EXISTENCE*

39. Western end SCLP12.3, well-placed if housing requirement reduced.

40. Christmasyards Wood prime facie candidate for container storage. Costs require clarification. RoW issues (A7_ReplD1378_attachment_Bidwells_5.7) indicate lack of cooperation between land owners (implication not good for SCLP12.35).

41. Clickett Hill

42. Wood Farm, ‘Orwell Village’ sites.

   *Conclusion*

43. Contingency for container storage is justified, but **not** in SCLP12.35, a poor choice.

44. Other needs not justified and evidence for not proportional, considered against scale of known material harms, infrastructure costs and lack of evidence of funding.
45. Alternatives reasonable.

Main Modification

46. Delete SCLP12.35; cannot rescue with other Main Modification.

47. Alternatives require further research before articulating for Reg19 consultation.

48. May be possible/acceptable to modify SCLP12.3, reserving port-support capability.

Question_3.48  SCLP12.35 developability

Answer: Yes, five (two present concerns A,B; one justifiably likely C, three significant risks D,E,F)

A  Conflicted road access

49. SCLP12.5 requires “dedicated” access. Positions vague, eastbound appears superimposed on existing, rural highway serving surrounding villages, farms from south/west. Westbound access necessarily near, if not superimposed, on existing junction-highway between Trimleys, Levington, surrounding farms (also a back-route when A14 out-of-service). No space for separate access.

50. If access not “dedicated”, local traffic will conflict with heavy HGV streams.

51. No evidence how issue will be resolved.

52. Significantly greater issue than Plan recognises: cannot be justified.

B  Chicken-and-egg unviable

53. Acknowledged “phased” delivery. Developer’s Reg19 response proposes that container shuttling and first half warehousing use only east-bound access, out-bound shuttles continuing west to Seven Hills and returning to site.

54. Meanwhile, SCLP12.35 argues shuttle return-trip not viable beyond 20 miles (55mph time ~22 minutes), probably not viable beyond about 12 miles (~13 minutes). A7_RepID1378_p2755_attachment_Reviewing_the_Case_for_Development_of_Innocence_Farm, p15_3.10 selling site as “5km straight line from the port” (~11 minutes). D1 indicates time determines viability at least as distance.

55. Issue, distances measured on Google Maps:

a. Port-site-return using east/west access per developer’s Reg19 response: 17.6km/11 miles/~16 minutes (A14 spur lights, site access circuitous).

b. Port-site-return using Seven Hills roundabout and east-only access: 23.8km/15 miles. Adding waiting-time of 4 minutes at averagely-congested Seven Hills (distance-equivalent 3.5 miles), 18.5 miles/~23 minutes.

c. When Orwell Bridge closed (situation SCLP12.35 intended to mitigate), tail backs on A14/A12 create much longer queuing times at Seven Hills: return shuttle might take ~34 minutes.

d. Times exclude waiting to re-enter Port, inevitable consequence of shuttling off-site.
56. Foregoing suggests “Phase 1” development, relying on shuttling, borders on unavailable from outset according to promoters’ own criteria: development will not happen.

C Combined lack of costings, funding, viability, competitiveness and (hence) demand

57. SCLP12.35 based on many assumptions, unknowns, conflicting evidence, dependences, reluctance/incapacity for up-front investment, reliance on rapidly-changing buyer’s market and Port with own strategies. These compute high risk of failure. May be a hope of ‘selling’ planning approval to venture capitalist but too speculative to base planning decision on.

D Mineral extraction or other adverse Assessment

58. Any of required Assessments may identify issues requiring unplanned cost to address, threatening viability. In particular, Minerals Assessment may identify extraction obligation on huge scale. NPPF34 preserves viability but cannot create soundness.

E+F Lack of support, threat of legal challenge

59. Port’s Reg19 response suggests container storage will be available on-port for time being, denying SCLP12.35 its principle kick-start.

60. Appeal APP/J1915/A/06/2025411 indicated planning cannot help businesses avoid reasonable competition. rivals.

61. London Gateway competes with SCLP12.35 (Port to much lesser extent). Former successful, funded entirely privately and planning-compliant. LA should beware that any evidence of unobjectively favourable treatment or funding of SCLP12.35 may face legal challenge.

Question_3.49 SCLP12.35 A14 Access

Answer: No, although (unfortunately) it can be guessed how a planner might react in absence of a clear, effective policy.

Facts

1. SCLP12.35 presents only: an indicator of east-bound access from existing “small agricultural tracks”, land provided for undefined west-bond access, requirement for unspecified “dedicated” routes, not intended for public consultation. No mandate for any prior provision.

2. A1_Plan_p298_12.384 advises “restrict the use of Innocence Lane and nearby rural roads... A14 junction59”, but does not forbid use and this is not in SCLP12.35.

3. No cost for access presented and factored into viability calculations, and no responsibility for it identified.

4. Planned phased development.

Evidence of developer’s response

5. A7_ReplID1378_p2755_Transport_Technical_Report: proposes no initial work other than a roundabout for the minor road north of A14/west of the site.

Analysis (scenario approach)
6. SCLP12.35 offers the decision maker scarcely any guidance for how to react.

7. To answer the question, the following walks through a possible scenario based on the developer’s Reg19 response, which is suggestive of a planning proposal, to examine a likely outcome:


9. Suffolk Highways consulted about minor roads: reservations and likely to seek funding.

10. Developer responds that requested costs make it unviable contra NPPF, it is the Port of Britain (simple), the LA’s high-profile policy is compromised.

11. Decision maker lets the developer use Kirton Road (no restriction), Innocence Lane (with reservation), A14 junction (unavoidable), Developer’s HGVs and then container shuttles (1200 per day, 24/7) ensue, followed by first half of warehouse traffic.

12. Residents of Kirton and Bucklesham lose westerly highway from the A14, since public highway has become “dedicated access road”.

13. Residence complain of noise, conflicting movements, intimidation from time-short HGV traffic. Seven Hills junction impacted.

14. In due course someone pays Suffolk Highways for bridge over A14. Trimley, Levington residents lose highway linking them, because it has become “dedicated access road”.

15. Rat-running 24/7 HGV movements increase dramatically along Howlett Way (no restriction), Trimley St Martin High Road (through centre of habitation, no restriction, passing new Primary School for 400+ children). Local residents despair, suffer isolation and under siege.

16. Suffolk Highways asked for traffic restriction measures. Costs money. Site users resist on viability grounds, it is the Port (simple). Highways deliberates.

17. Questions in the House. Cannot be ruled out that direct community action would follow.

18. Site users go away, their businesses too marginal to risk trouble.

19. Result – decision maker painted into a corner, a planning disaster.

20. I believe this isn’t pessimistic: reactive, step-wise decision-making is difficult where judgement faces tactical, business and political pressures. It demonstrates materially that SCLP12.35 fails fundamentals of the Framework. It is not sound.

   **Main Modification**

21. Reminded of Brutus’ prognosis of Caesar: therefore think him as a serpent’s egg, ... and kill him in the shell.
**Question_3.50  SCLP12.35 rail connection**

**Answer: No to all aspects**

22. A7_ReplID1378_p2752_5.6 case is good, that current allocation is insufficient for rail infrastructure. SCLP12.35 has not provided for this specifically: area south of A14 is allocated for westbound crossing. MM required, however need and realism not demonstrated to justify.

23. SCLP12.35_para3 offers no case beyond “should be investigated”.

24. A7_ReplID1378 (the land owner) claims policy not effective without rail-head, but the supporting case A7_ReplID1378_p2755_attachment_Vision_Statement_and_Conceptual_Masterplan_p19_end states only “could be delivered if required”.

25. Any railhead involves substantial expenditure. Like other aspects, no cost or responsibility demonstrated.

26. No modelling presented to show impact of local train movements on through-trains to/from the Port on single-track mainline.

27. Network Rail has invested heavily upgrading through-traffic and passenger capacity (priority policies) and not expected to favour more investment in a scheme to siphon-off capacity for private use.

28. No evidence for viability of using railhead given additional inter-modal costs.

29. Thus, any modification to make railhead possible requires evaluation of evidenced, quantified, viable need against established cost and impacts: but there is no business plan for what the railhead would be used for, no evidence and no calculations.

30. Also, developer’s needed extension would land-lock Morston Hall, cutting its only road out.

31. There is no justification. Cannot consider realistic.

**Question_3.51  SCLP12.35 criteria a-e**

**Answer: No**

32. A7_ReplID842_pp6-7

33. Scale and harm amply warrant all of the following to ensure policy may be compliant with NPPF and be effective:


35. Noise Assessment: NPPF170(e),180(a)(b),205(c)

36. Transport Assessment and Travel Plan: NPPF111

37. Light pollution: NPPF180(c)

38. AQA: NPPF181, but unsure how performed effectively. Modelling necessary but dependent (excessively?) on assumptions. Monitoring might be mandated but any excessive readings later would present a dilemma. Is a factor against the wisdom/feasibility of the development.
Question_3.92  SCLP12.66 boundary

Answer: No

Ownership

39. A7_ReplD55_p1876 challenges ownership of part of site.

Protection of settlement character and boundary

40. A7_replD842_p9-11 summarises all SCLP12.66 topics.

41. LA has long recognised the importance of Trimley St Martin’s setting adjacent to green fields and AONB, by maintaining settlement boundary (build line) behind established properties to south of High Road.

42. Recently, Planning Application DC/16/2119/OUT (Policy_FPP5, Felixstowe_Action_Plan_2017) was constrained to this line and Cavendish Grove constrained to business area of a mushroom farm.

43. The distinction of Trimley St Martin from Trimley St Mary Housing has been preserved with boundaries and open space north and south of High Road, strictly delineating Reeve Lodge and Gun Lane (Parish boundary).

44. SCLP12.66 fails to respect these traditional boundaries. No justification or recognition is offered. Nothing has changed in the setting or business of the villages to invite it. A1_Plan_p183_11.46 suggests intention to define protected areas where previous boundary line south of High Road curtailed development, reflected in SCLP11.9.

45. Does not deliver A1_Plan_p49_3.51 (Settlement Boundaries) because of reactive introduction.

46. Could result in challenge to the above Planning Application on grounds of lack of objectivity, and a race to the railway line. Together with significant development north of High Road, this would be disproportionate development, extinguish traditional character of Trimley St Martin and create rapid, unplanned stress on local infrastructure – a reason why this settlement’s boundary is vital for effective planning.

47. Thus, mass of policy is not met: NPPF_8(b)(c),16(a),35(a)(b)(c),83(d),118(a),122(c)(d),170(a),(b)(e),180 and SCLP5.1.

48. It could compromise re-use and infill contra NPPF_117,118(c),170(f).

Housing need

49. Matter2_Questions_2.1-2.9,2.18-2.19 address lack of justification for housing and boundary, particularly on this site given costs and negative impacts (NPPF11b-ii).

School needs

50. Size of needed school is uncertain, presenting a conflict to housing ambitions. Reg19 consultation created belief that the new school would be additional, offering 360 places. A7_ReplD1104_p2534(HCC) indicates it is possibly a replacement. SCC’s response is clear that the planned size (2.2ha) is an additional school. Any replacement school would need adequate spare capacity for sustainability (to avoid moving again because of lack of expansion space – which might not be found elsewhere in future). From SCC’s data I suggest 629 places. Based on DfE’s School Building Handbooks and taking account of special need at this site for adequate car parking off-road, for both school and community, I calculate 6.4ha required.
51. The school is a need and must take priority for sake of community viability and sustainability.

Main Modification

52. As in A1_Plan_ReplD842_p9_"proposed_modification", but omitting all housing because of the new information about size of the school.

Question_3.93  SCLP12.66 Elderly

Answer: No to all aspects.

53. A7_ReplD842_p9-11 addresses general concerns.

54. “Including housing for older people” insufficiently clear to meet NPPF16(d)(f) and be effective. Fails to address NPPF61 to clarify expectations for site.

55. Evidence is provided by A7_ReplD1513_p2149’s reference to “bungalows”, not specifically for older people or local home-seekers and (I suspect) not anticipated by the LA.

56. Need for elderly accommodation is acknowledged generally but Matter2_Questions_2.1-2.9,2.18-2.19 establish no justification at this site. Anywhere, provision must be governed to prevent over-skewing population age profile towards elderly.

Question_3.94  SCLP12.66 Specified area

Answer: Yes

57. Given co-existence of school and housing on the site, defining an area for the former is critical for ensuring adequate space is provided (both initial build and expansion space, and to permit addition of community facilities), with the right access for the public good and effective preservation of some openness. A developer-led decision could be sub-optimal.

58. Should the site area be reduced and dedicated to the school (Main Modification), pre-allocation would not be necessary.