Examination Hearing Statement
Local Plan 2036 Examination

Suffolk Coastal Local Plan
Matter 3
Area Specific Strategies
Mr Dowley
1. Introduction

1.1. Cerda Planning makes this submission to the Examination in Public (EiP) on behalf of Mr Justin Dowley who has previously made representations throughout the preparation of the Suffolk Coastal Local Plan 2036.

1.2. This Hearing Statement provides the context for the oral submissions to be made at the round table sessions scheduled for Thursday 5th September: Matter 3 Area Specific Strategies - Development Allocations.

1.3. This submission is structured in accordance with the specific questions identified by the Inspectors in the schedule of Matters and Questions.

1.4. This Hearing Statement covers only those questions which relate to Mr Dowley’s previous written representations and which we wish to discuss orally at the Matter 3 hearing session.

1.5. The allocation of land for 800 dwellings is not achievable within the area indicated for housing between the A12 road and railway line on the indicative draft masterplan.

1.6. As set out within Hopkin Homes Regulation 19 representations, the landowner is not willing to release their land for anything other than residential development. Currently Hopkin Homes land is identified as providing a SANG (Suitable Alternative Natural Greenspace) on the draft masterplan included within policy SCLP 12.29 and therefore there is clearly conflict Hopkins Homes position.

1.7. The representations state in full that the landowner is;

‘only interested in developing their site for housing. The landowner will not release the site its use as Suitable Alternative Natural Greenspace (SANG) as proposed as this would result in the land being sold at only a nominal increase in land value. The Council has been made aware of Hopkins Homes’ position in this regard but has seemingly discounted the concerns raised’.

1.8. Clearly the withdrawal of a significant area of land from the proposed Saxmundham Garden Neighbourhood allocation has significant spillover impacts on the deliverability of the allocation.
as all the policy requirements must now be delivered on the remaining land promoted by Pigeon Management Investment Limited (site 714).

1.9. Site 714 was assessed by the Council in their 2018 SHELAA as being capable of delivering 495 homes, 305 dwellings short of the 800 required within policy SCLP 12.29. It is important to also consider that sufficient land is required to deliver a community hub, school and other mixed uses as well as provide some form of buffer to the A12 and railway which are major constraints in terms of delivery.

1.10. The SANG itself requires some 15 ha of land which cannot be accommodated within site 714 alone.

1.11. In light of the above and even if Hopkin Homes had not removed their land from consideration, it is our view that the land available cannot deliver the Saxmundham Garden Neighbourhood in full.

1.12. Given that the Town and Country Planning Association (TCPA) outline that Garden Neighbourhoods should be exemplar in nature and that the principles set out that the Garden City Principles are a;

‘distillation of the key elements that have made the ‘Garden City’ model of the development so successful, articulated for a 21st century context. Taken together, the principles form and indivisible and interlocking framework for the delivery of high quality place’

1.13. It is clear that in its current form the proposed allocation falls considerable short of this standard failing to deliver the required infrastructure to meet Garden Community standards.

1.14. In terms of TCPA principles themselves (listed below) the proposed Garden Community falls short of a number of these due to the constraints outlined above;

- Land value capture for the benefit of the community;
- Strong vision, leadership and community engagement;
- Community ownership of land and long-term stewardship of assets;
- Mixed-tenure homes and housing types that are genuinely affordable;
A wide range of local jobs in the Garden City within easy commuting distance of homes;

Beautifully and imaginatively designed homes with gardens, combining the best of town and country to create healthy communities, and including opportunities to grow food;

Development that enhances the natural environment, providing a comprehensive green infrastructure network and net biodiversity gains, and that uses zero-carbon and energy-positive technology to ensure climate resilience;

Strong cultural, recreational and shopping facilities in walkable, vibrant, sociable neighbourhoods; and

Integrated and accessible transport systems, with walking, cycling and public transport designed to be the most attractive forms of local transport.

1.15. The withdrawal of Hopkins Land causes more than just deliverability concerns in relation to actual land availability, but also limiting the allocation to one single point of access onto the A12.

1.16. Given the scale and quantum of development proposed to be delivered by the allocation, it is not reasonable or appropriate to rely on one single point of access. Clearly this is substandard in terms of connectivity but also highway safety.

1.17. Given that the NPPF requires sites to be deliverable and developable commenting that these are a key theme running through both plan making and decision making, it is clear that in light of the current position, the allocation cannot be considered deliverable or developable.

1.18. Even without the latest position on land availability, the site has been assessed in the Council’s own evidence base as being unable to deliver the quantum of development required by the policy. Rather than seek a solution involving a split site strategy the Council are relying on developers to evidence how a layout would work. Inevitably as a result, land has been withdrawn rendering the allocation undeliverable and the Plan unsound.

1.19. It is our view that the only way of delivering a Garden Community at Saxmundham and address the growing housing need is to consider a split site strategy utilising site 435 to accommodate housing and a secondary school. Site 435 remains largely
constraint free and deliverable within a 5 year period as directed by the definitions set out within the NPPF. Evidence was submitted at Regulation 18 and 19 stage to demonstrate this.

1.20. Over reliance on providing a Garden Neighbourhood across one constrained and flawed site is inherently inflexible, creates a fragile Plan, a Plan that is very likely to fail.

3.40 - Would the Policy be effective in achieving the provision of required education facilities? Is it justified to include early years provision within both criteria a) and b)?

1.21. No, the policy would not be effective in achieving the provision of required education facilities.

1.22. In response to this question, Cerda Planning have had sight of Mr Chris Edwards submissions. Mr Edwards has sought professional advice on this point and is aware of its inclusion within this statement.

1.23. Mr Edwards Representations set out that Policy SCLP 12.29 proposes to meet education need based on an allocation of 800 homes using the SCC 0.25 pupil per dwellings S106 calculation. Providing a new school with absolute capacity for 210 places is taken as the justification for allocating 800 homes rather than implementing an accurate pupil yield methodology being applied to calculate the necessary allocation to justify a new school.

1.24. The report outlines that the approach taken for policy SCLP 12.29 is not a sound basis for calculating pupil yield nor is it a credible method to determine housing numbers for a strategic allocation. The approach is in conflict with national methodology and as a result the Council have adopted a flawed approach.

1.25. Policy SCLP 12.29 requires a mix of flats for a range of typologies such as older people adults without children. These are usually one bed flats and neither tenure types yields 0.25 pupils per dwelling. One bed flats are zero rated in the SCC methodology. Thus the potential pool of catchment homes is significantly lower than 800, perhaps as low as 600. Taking the current assumption of 0.25 would thus yield 150 pupils. Given the projected falling roll this is financially unsustainable.

1.26. The report concludes that;

- The argument for 800 homes justifying a school is not supported by the evidence. Based on other council’s
experiences pupil yield is directly influenced by the key factor of tenure not necessarily numbers of homes.

- Suffolk County Council should review its own pupil yield calculations by commissioning external research to ascertain detailed statistics on all new build developments over the last 5 years. This would generate a robust data set around which to review its PPR for any future development. Information about detailed housing mix from the proposal would enable more accurate forecasting of actual pupil yield.

- The pupil yield example of Northamptonshire Council which incorporates the critical factors of tenure and size of property suggests a more useful working model than a simple single (blunt) metric such as the current Suffolk County Council PPR.

- If the Council decides not to undertake such research, a modest increase in the PPR in line with some of the neighbouring local authorities (e.g. Essex 0.30) and those quoted above will potentially generate more of the Section 106 funding per dwelling required to secure the creation of a new one form entry primary school. However, in the absence of a robust data set, a lack of forecasts for sustained yield over the critical first five years of the school’s existence is a major risk factor.

- The evidence of other local authorities suggests a modest increase of the PPR to 0.30 could reduce the size of the proposed housing development to perhaps 500 houses and still enable the school to be sustainable at 90% capacity.

- This is dependent on viability and tenure thus the policy site cannot be considered sound.
• The policy needs major modification to assist both school sustainability and teacher retention over other requirements for garden city principles eg allotments and older people’s accommodation.

• The proportion of affordable housing vis-a-vis market housing is critical to ensure that lower income families with young children can be encouraged to seek residence so that the new school is both viable in its first 5 years and sustainable in the longer term.

• There are some significant risks to school roll sustainability if the affordability definition is not precisely framed in terms of dwelling size and tenure. The rather generalised conception of affordability in the proposed development will not assist in this regard.

1.27. Cerda Planning intend to refer to Mr Edward’s representations during the Hearing session.

1.28. In light of the above it is clear that 800 homes are not deliverable on this site and therefore will not deliver the educational benefits as set out within Policy SCLP 12.29. Given that the proposed allocation has been justified on this basis and has been evidenced as flawed in light of land and access concerns, the Council must seek an alternative strategy to deliver the Saxmundham Garden Neighbourhood.

3.41 - Are there any factors which would mean that the site is not ‘deliverable’ or ‘developable’ as per the definitions in the Framework?

1.29. Yes, there are several factors which render the site undeliverable and undevelopable.

1.30. The NPPF outlines that for sites to be considered deliverable and developable they must offer a suitable location for development now and be achievable with a realistic prospect that housing will be delivered on the site within five years. The Framework also outlines that sites should have a reasonable prospect of being viably developed.

1.31. We have set out in this statement and our Matter 1 Hearing Statement that due to the withdrawal of land, the allocation is
fundamentally flawed and cannot be delivered. The removal of land has significantly impacted upon the proposed allocation in terms of land availability and appropriate access meaning that any planning application coming forward would fail the Section 38(6) test.

1.32. At this stage the Council is wholly reliant on promoter information to demonstrate that the allocation can come forward without Hopkin Homes land. It is our view that this is unacceptable and that the Plan cannot be found on the basis of promoter studies alone.

1.33. In the run up to the Hearings themselves the Council have not provided any new evidence outlining how this position will be overcome. Clearly the current allocation is not deliverable and a new split site strategy should be explored.

1.34. In terms of viability, our Matter 1 statement sets out concerns raised by Bailey Venning Associates Ltd. This response can be found at Appendix 1, supporting our argument that the site is not considered deliverable or developable.

1.35. It is our view that the Council cannot deliver this allocation without a fundamental rethink of the strategy and the inclusion of additional land. The Council are basing their conclusions and site selection on high-level broad-brush assessments and views of developers, this is not a fair of transparent approach.

1.36. In light of the above there is clearly very limited evidence to demonstrate that the site can be considered developable or deliverable in the context of the Frameworks definition.

1.37. *Is it justified that the site is accessed via a single vehicular access?*

1.38. No, access to the site is not justified via a singular access.

1.39. Given the strategic nature of the development, it is surprising that one point of access is proposed to serve the allocation. Combine this with the withdrawal of Hopkins Homes and it appears that this position cannot be rectified through a redesign or an engineering solution. The policy is flawed.

1.40. It is perplexing that the Council are even willing to support the proposed allocation in its current form given that the Suffolk Design Guide for Residential Areas adopted in 1993 and revised in 2000 states that;

*‘For major access road serving more than 150 and up to 300 dwellings;*
(a) **Two point of access should be provided to the part of the site being served and the road layout should conveniently connect those points of access'.**

1.41. Clearly the allocation is in conflict with the Council's own guidance and should not be supported. The guidance contained within the Design Guide is fairly standard and is used by a range of other authorities. A recent application of this policy was cited as a reason for refusal by Warwickshire County Council.

1.42. In addition to the policy conflict above, it is not appropriate to propose only one access point for a development of such strategic scale. Proposing one point of access could give rise to a highway safety issue whereby emergency vehicles would not be able to enter the site should the access be blocked by an accident, incident or otherwise. The allocation is proposed to provide education, community facilities and 800 homes, this is therefore not a logical position that can be supported.

1.43. It is noted that the Hopkins Homes in their regulation 19 representation make reference to a Transport Assessment produced by WYG. Whilst we have not seen this assessment, Hopkins Homes claim that its conclusions demonstrate that the proposed access point is wholly unsuitable.

1.44. Proposing a single point of access further demonstrates that the proposed allocation is flawed. Given that supporting evidence was submitted alongside representations for site 435 demonstrating that two points of access are achievable it is concerning that this site is preferred by the Council. Policy SCLP 12.29 is flawed and undeliverable.
Appendix 1
RESPONSE TO HEARING ON MATTER 1
1 September 2019

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

We do not consider that the SA has been undertaken on the basis of a consistent methodology and we cannot therefore consider that it is robust.

The SA is a high-level document that rests upon the conclusions of a number of lower-tier studies, including the Whole Plan Viability Assessment undertaken by Aspinall Verdi. We consider that, at least in respect of the Saxmundham Garden Neighbourhood (Policy 12.29), this study is flawed.

BVA has twice made representations to this effect on behalf of Leave the Layers Alone (LTLA). The first representations were made at the Regulation 18 phase – prior to the publication of the WPVA. Those representations included an appraisal of the proposed South Saxmundham Garden Neighbourhood. They concluded that the proposed development of the site would not be able to sustain the cost of the infrastructure required to deliver the policy – notably the new crossing over the railway, the associated link road and new school – as well as the level of affordable housing proposed.

The second set of representations were made at the Regulation 19 stage, when the WPVA was available and had determined that contra BVA’s findings, the SSGN would, in fact, be viable.

BVA again disputed this assessment. We noted that, in order to reach that conclusion, Aspinall Verdi had removed the new rail crossing and link road and reduced the proposed level of CIL. Since a new rail crossing remains an important element of the allocation, this was inconsistent with the proposals in the plan.

Moreover, even with these costly items of infrastructure removed, the assessment that the SSGN was viable and could, indeed, achieve a surplus relied upon a quirk of AV’s approach to valuation which have the effect of increasing the values ascribed to the SSGN by around 10% whilst reducing the values ascribed to other sites in the same tier of settlements as Saxmundham by about the same amount.

Our own research and a close reading of AV’s supporting documentation do not support the values ascribed to the SSGN. With that effect stripped out, the surplus identified by AV as being available to deliver SUDS or flood mitigation measures, would disappear and the site would incur a substantial development deficit. The only obvious way to eliminate the deficit would be to eliminate some of the infrastructure items required to deliver the site or to reduce the level of affordable housing by a significant amount. The representations argued that AV should be commissioned to revisit their assessment of the SSGN in the light of these findings.
BVA/LTLA’s objections were noted in the consultation report although we can find no explanation of how the Council intended to respond. Nonetheless, we were repeatedly given assurances by the Council – most recently in an email from Mark Edgerley on 16th May – that further work would be commissioned to address these issues. We understood that the Council was seeking to gather up the effects of all the potential changes arising from the Regulation 19 consultation. We now understand that no such work was in fact commissioned. The flaws in the Viability assessment remain unaddressed.

The changes necessary to make the Viability Assessment (and hence the SA) sound in respect of the SSGN may not be limited to those set out in BVA’s representations.

We also note that part of the land upon which the SSGN was to be built seems to have been withdrawn. If this is the case, it is hard to see how it can be considered to be available.

We also note that representations made by Pigeon include an alternate version of the SSGN. These proposals may eliminate the need for a new crossing over the railway but introduce other issues since they occupy a very different site which introduces new issues not subject to viability assessment or sustainability appraisal. The viability of these proposals has not been considered and it is not clear what status they are to be given.

2.0 In conclusion

BVA does not assert that the SSGN is fundamentally unviable – that no development is possible on the SSGN site. What we argue is that it is not viable with both the infrastructure necessary to deliver the policy as drafted and the level of affordable housing proposed. Moreover, because the cost (and extent) of the infrastructure has not been properly identified, the Council will have little recourse when the promoters of the SSGN later argue that it is not possible to deliver the proposed level of affordable housing.

If the level of affordable housing falls significantly this will have a knock-on effect because, as Chris Edwards has argued, the pupil yield for market and affordable homes is fundamentally different. With more market homes and fewer affordable homes, the number of school age children arising from the development will fall. This, in turn, will either render the school unviable (since it will be unable to fill its places) or create a need for the development of more homes in order to render the school sustainable. Since the new school is intrinsic to the justification for this development, this would seem to be a significant flaw in the allocation of the SSGN – one which, in our view, renders its inclusion in the plan unsound.

It is all the more problematic because even AV acknowledges that generic alternative sites would be viable in this area. If the value arising from those sites were amended to reflect values in Saxmundham itself, they would become capable of delivering a substantial surplus. Since other sites are available around Saxmundham, we argue that their capacity...
should have been properly investigated. The Council has chosen not to do so. On this basis, it cannot reasonably said that reasonable alternatives to the policy set out as 12.29 have been investigated.

We are happy to explore these issues either as part of Matter 1, in the context of policy 12.29 itself or even, potentially, at a separate technical session but, until the issues we have raised have been properly explored, we cannot consider the inclusion of the SSGN in the plan to be sound.

3.0 Qualifications

I am George Venning, a Director at Bailey Venning Associates Ltd, a specialist planning consultancy focusing on affordable housing, founded in May 2016. Prior to that, I was an associate Director at Levvel Ltd where I had been employed since 2004. I have also held posts in the development departments of two major Registered Social Landlords – Drum Housing, in Hampshire and New Islington and Hackney Housing Association in London. I hold the degree of Master of Arts in Architecture from the University of Cambridge.

Over the last 15 years, I have provided advice on affordable housing to a large number of house builders, on schemes which range in size from developments of only 5 units to the very largest strategic sites with overall capacities in excess of 6,000 new homes, plus associated infrastructure. I have also been retained by several local authorities to develop the viability element of their evidence base in respect of affordable housing policy including Stafford, Bolsover and Colchester and I have appeared as an expert witness in a number of planning inquiries in both England and Scotland.