HEARING STATEMENT

Suffolk Coastal Local Plan Examination

Matter 1 Procedural/Legal Requirements

On behalf of Chris Edwards, Roger Skinner and Roger Skinner Ltd
Section One
Personal statement

Chris Edwards LLB (Hons)

Former Charity Director St Martin in the Fields, London
Former Director Development and Asset Management, Gateway Housing Association, London

Lead member Neighbourhood Planning Group, Stradbroke, drafted Plan Vision and objectives, and drafted initial polices for examined and Made Neighbourhood Plan Jan 2019

MCHLG Neighbourhood Plan “Champion”

Private property investor and property/planning consultant
Section Two

Statement of Common Ground

Issue: Whether all Statutory and Regulatory requirements have been met?

Duty to Cooperate

1.1 Is there clear evidence that, in the preparation of the Plan, the Council has engaged constructively, actively and on an ongoing basis with neighbouring authorities and prescribed bodies on strategic matters and issues with cross-boundary impacts in accordance with section 33A of the Planning and Compulsory Purchase Act 2004, as amended [the 2004 Act]? NO

1. Policy 12.29 does not offer clear evidence of the duty to co-operate. The Policy proposes a major ward and parish boundary shift as a result of changes to the town settlement boundary into the recently made Parish boundary of Benhall and Sternfield.

2. The Parish was consulted on the proposals for the policy 12.29 and objected to the incursion into the parish in planning consultations and continues to object to them.

3. The Parish boundary has been redrawn under the guise of a planning consultation. The majority of the population of the estate will be located within the Benhall Parish. The estate will be mostly in Benhall Parish and not in Saxmundham.

4. Policy 12.29 requires open space to benefit the residents of the estate as off site mitigation. If it is not an estate space it will be open space dedicated to the public. The parish precept will be raised in Benhall, and the estate will divide the community, but nothing of these issues were communicated to the Boundary Commission.

5. Policy 12.29 is defined by the Plan as a strategic Policy and has spatially strategic implications and it is a requirement for soundness to consult prescribed bodies on strategic matters. The BC’s a prescribed body and part of its legislative ethos is to ensure fair representation across all wards and parishes.

6. The mix of housing for the development will increase significantly the electoral roll within Benhall and the Boundary Commissions workings do not take account of this significant increase at all because they were not consulted on the implications of the proposed development.

7. The electoral areas are intended to offer up fair and equal representation of councillors to residents in proportion. This SGN scale of growth was not communicated to the Boundary Commission in the process of establishing new boundaries.

8. The purpose of the SANG is to provide mitigation for the development for the residents of the development. It is not open space and forms part of the development proposals for the estate. It will thus be liable for a service charge
unless the developer offers the land up for dedication and the councils accept this responsibility.

9. However since the Benhall Parish Council and Saxmundham Town Council were not consulted on this matter of who will be responsible for the land it is not easy to see how the boundary proposals could have been properly consulted with them either. The plan proposals and policy 12.29 make no comment on how this matter will be resolved.

10. Map 6 of the East Suffolk Warding submission to the Electoral Commission. The Warding submission (not paginated) introduces the ward system. On page 6 (by my acrobat paginator) it states:
“Parishes and Community Identity
The entire area of East Suffolk is parished. Parishes are the embodiment of the local community, and, except in the major towns, form the basis for the polling districts which were the building blocks used for this review in order to create the new district wards.

11. The submission contains a series of maps showing the proposed ward boundaries. Map 6 shows Saxmundham (no page numbers). The next page states the rationale:
“The ward of Saxmundham is a self contained market town within a rural area. Saxmundham has a strong community identity and cohesion as a town which should be retained within a whole ward. “

12. Map 7 shows the ward of Rendlesham and Wickham market The narrative on the following page states:
“This ward contains the following grouped Parish Councils:
Sternfield and Benhall; Stratford St Andrew and Farnham.

13. The boundary of the town has been significantly altered and now cuts across two wards in contradiction to the above statements made to the BC. Neither electorate of Saxmundham or Benhall and Sternfield, have been fully engaged in the implications of these changes as throughout this period they have been enfolded in the Local Plan process.

14. One key issue for the Examination hearing is Policy coalescence. It cannot be said that the electorate was properly consulted on these proposed settlement boundary changes that have significant implications for coalescence.

15. Once the Saxmundham settlement boundary is altered it becomes a simple matter then to amend policies because the settlement cannot then coalesce with itself, having moved from being Benhall to Saxmundham settlement.

16. The Secretary of State through the Boundary Commission was not consulted on the implications of the Plan proposals for the Plan, even though the settlement boundary changes shown in the submission draft were proposed before the proposed ward boundary changes were recommended and enacted.
17. SCDC has not properly cooperated with a statutory body as required. It is a requirement for consideration of boundary changes under the Local Democracy, Economic Development and Construction Act 2009.

18. The Inspector has stated in correspondence the matter is not one for him. It is argued this issue is wider than it seems.

19. The BC is required to consider not dividing communities unnecessarily.

Schedule 2
ELECTORAL CHANGE IN ENGLAND: CONSIDERATIONS ON REVIEW
County councils
(3)Subject to sub-paragraph (2), in making the recommendations the Local Government Boundary Commission for England must have regard to—
3(b) (ii) the desirability of not breaking local ties when fixing boundaries

20. The breaking of local ties due to the SGN was known about at the time of the BC consultations but never raised with them.

21. At this time Policy 12.29 was being readied for public consultation. This policy is a strategic matter.

22. The duty to co-operate has not been complied with either with Benhall and Sternfield Parish Saxmundham Town Council or the Boundary Commission in relation to the SGN area and revised Saxmundham settlement boundary.
Sustainability Appraisal

1.2 Is the Sustainability Appraisal (SA) adequate?

1.3 Has the SA been undertaken on the basis of a consistent methodology and is the assessment robust? NO

1.4 Has the SA taken into account reasonable alternatives and has sufficient reasoning been given for the rejection of alternatives? NO

1. Gotelee Reg 19 submission for Roger Skinner Property objected to the allocation of the employment land to the west of the A12.

2. The site is unjustified as there is no demand for the scale of site proposed; further a Garden Neighbourhood is not needed to produce an employment site.

3. A partially undeveloped and allocated site – Carlton Park, Roger Skinner Ltd - already exists in the town.

4. The reasonable alternative employment strategy is to not allocate new employment land at scale of the proposed 11 ha site to a small town but build out to capacity the existing resource then review.

5. The new proposal has not been tested or modelled for suitability, and is unsuitable for the following reason.

6. The Council state they are to be both 13.6 ha and 7 ha gross area. 7 ha nets down to 40% coverage meaning this would provide 28,000 square metres of employment space.

7. Minutes of the Suffolk Coastal Local Plan Working Group (2/5/2018) state that: ‘the business community in the district is comprised predominantly of very small businesses, which totals approximately 88% businesses (sic) in Suffolk Coastal.’

8. An average small business user may at best require say 200-400 SqM and many probably less. This excess of supply over lack of demand would leave a lot of undeveloped site area, which in time would inevitably be subject to applications to re-allocate as additional housing.

9. The economic justification for the site was the four village bypass. That has now been turned down for funding.

10. A reasonable alternative remains to build out the existing allocation, then review need once at or near capacity.

11. SCDC has noted only that the Carlton Park site is allocated in the Submission plan. No substantive response has been given.
Community Involvement

1.8 Has the Council complied with the requirements of section 19(3) of the 2004 Act with regard to conducting consultation in accordance with the Statement of Community Involvement? NO

A. Soundness of Policy 12.29 advised to SCDC with no response - Site 717 SANG - land take for EDF - required for compound - CE

1. The Council has failed to pass to the Examiner and respond to a soundness matter raised both before and after the reg 19 plan consultation process regarding site 717, part of the area required for Policy 12.29 SANG.

2. The council’s SCI states:

- **Publication of the Local Plan**
  
  The Local Plan is finalised and published for a last stage of consultation. Comments at this stage will only be sought on soundness and legal compliance.

3. Plan soundness challenged by an email to the Scrutiny Committee and officers prior to Plan sign off meeting, by way of the e-mail dated 22nd November. See Appendix 1.

4. The basis of challenge was that the Submission plan policy 12.29 was not deliverable and therefore not sound. EDF have shown they need a parcel of land designated for SANG under Policy 12.29 for use as a compound.

5. The email and its concerns were mentioned at Committee on 28th November and discounted by Planning Manager Philip Ridley.

6. SCDC senior planner Mark Edgeley stated in email response subsequent that EDF and SCDC were in communication and he was confident the Garden Neighbourhood could be delivered.

7. The basis of my challenge was that the policy was unsound in the terms in which it was written and shown in the submission plan, because it could not be delivered in those terms if EDF required that land.

8. EDF began their consultation in January 2019 after the Submission plan was signed off but during the submission plan consultation period.

9. EDF consultation proposals show site 717 is required for a compound.

10. The concerns raised in November have not been passed to the Inspector, neither the evidence of the EDF land take.
B. Consultation in public on one plan while consulting with another plan

Issue one – The Reg 18 Plan site – no roundabout was in the Plan until Reg 19

1. Gotelee Reg 19 submission for RS p identifies consultation took place with SCC in the Reg 18 stage on a Reg 19 plan which was not in the public domain.

2. The SGN consultation response by SCC highways to reg 18 mentions the need for “a roundabout” to access the employment land on land site 716 to the west of the A12. However at that time the Reg 18 plan consulted on publicly did not have employment land to the west of the A12.

3. This roundabout proposal was identified as part of a document submitted for Reg 18 consultation by the landowner of site 716.

4. SCC Highways were thus consulted on a different plan to being publicly consulted by the Council, but proposed as a modification.

5. This concern was raised but no action was taken. This calls into question the justification for the site for employment, since it was already being agreed in advance with Highways before public consultation had taken place on it.

Issue 2 – The Plan area – a different scheme is appraised for Reg 19 than that shown in the Plan

6. The Council’s SGN site area calculations state the SGN site to be 66.6 ha. The Policy map in the interactive plan shows the SGN employment area west of the A12 to be 7ha and the area east of the A12 to be 60 ha.

7. The Aspinall Verdi whole plan viability assessment states there are 13.5 ha of land for employment and 53 ha for other use. That area of 13.5 ha of employment land area matches the area shown on the alternative plan that has been promoted by the landowner of site 716, 13.5 ha.

8. It is unclear which is the public consultation exactly. The Council has not clarified this matter publicly. It has sought to reassure privately that the area is in fact correct (see Appendix 2). A measurement error of 10% in such a constrained location questions deliverability, a core matter.

9. CE raised the issue again in his Reg 19 submission under soundness of spatial strategy; no response. See Appendix 3.

10. The critical issue is that the Aspinall Verdi viability assessment is appraising one plan for soundness and finding it sound when the plan being consulted on is a different plan.

11. The council has not explained this discrepancy nor sought to commission any work prior to understand this matter.

12. The proposition for rebuttal is that the site actually being appraised is the landowner site and not the policy site.
13. This is in direct conflict with national policy NPPF para 67. SCDC have not identified a sufficient supply and mix of sites whilst correctly taking into account their availability, suitability and likely economic viability.

C. Failure to update examination website with nationally significant evidence that has a material impact on policy soundness

1. The plan was submitted after 24 January 2019 therefore is to be considered under the revised NPPF and not under transitional arrangements.

2. The policy 12.29 is underpinned by a SCC education topic paper from 2014 that sets out pupil yield methodology.

3. In April 2019 The DFE published a revised guide to PY and furthermore also published a guide to Garden City education delivery, specifically setting out a methodology for Garden Cities.

4. Neither of these documents were placed on the examination website in April although they have a significant impact on the issue of school provision.

5. CE made a case for the unsoundness of the method in the Reg 19 submissions pupil yield methodology was presented.

6. The papers go to the issue of developer contributions for development and challenge the limited existing evidence.

D. Failure to respond to Hopkins withdrawal of land from the SSGN masterplan making the whole plan unsound

1. In their Reg 19 representations Hopkins Hokes stated they had withdrawn their land and they had notified the Council and had received no response from the Council.

2. CE notified SCDC in various emails and asked the Inspector to consider the matter.

3. The Policy cannot be made sound without the re-inclusion of the land into the Policy or by the Council asserting it will CPO the land. Based on the whole plan viability appraisal.

4. The appraisal is flawed and this will not make the decision sound because the appraisal overvalues the land.

5. This site omission makes the whole plan unsound.

6. The matter needs to be reconsidered and if things remain as they are an adjournment is required while a new Policy is drafted for testing.
E. Failure to offer adequate policy protection to Policy 12.29 SANG designation by describing it as mixed use on the Policies Map.

1. Roger and Wendy Skinner previously represented that Policy 12.29 for SANG area needed strengthening to make the policy sound.

2. The area is described as mixed use. That is not SANG.

3. The revised Reg 18 submission paper from Akins sets out the importance of the South Saxmundham area noting the importance of the setting, and recommending policy 12.29 strengthening either by re-designation (conservation area) or by amending policy specifically to prevent construction on the land. (See Appendix 4).

4. The policy map can be made sound by designating the Network Rail land take as mixed use and the remaining site 717 and 1012 for open space specifically.
Climate Change

1.9 Are the policies of the Plan designed to secure that the development and use of land contribute to the mitigation of, and adaptation to, climate change in accordance with Section 19(1A) of the Act? **NO**

1. NPPF 157. All plans should apply a sequential, risk-based approach to the location of development – taking into account the current and future impacts of climate change.

2. NPPF 158. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.

3. SGN Policy 12.29 housing quantum is derived from a SCC paper for developer funding from 2014.

4. The logic of the metric requires more homes than would otherwise be required to sustain a school were the metric set at a higher ratio.

5. This conclusion justifies a quantum of houses to be on a unitary site that is not the most efficient in sequential testing. Thereby placing peak capacity pressure on the River Fromus at Benhall where there is a history of sewage spill during flood events.

6. This is contra the NPPF as above, and the number of homes is greater than need be were a different metric to be applied to the school provision, thereby reducing the quantum of homes.

7. The council has made no response to rebut this drainage report, which has been twice submitted, at Reg 18 and Reg 19. Instead it has sought to demonstrate that the optimal drainage site, site 435, which largely drains away from the Fromus and can thus mitigate itself, has drainage problems which make it unsuitable for development.

8. The unitary SGN 12.29 policy and the underpinning justification for the policy fail to mitigate flood risk in an efficient way. Instead it imposes significant cost burdens on the site to ensure that drainage mitigation is achieved, at the expense of above ground benefit by way of affordable housing.
Appendices

Appendix 1 – email Scrutiny Committee regarding Policy 12.29 soundness

FW_Scrutiny - soundness of Proposed new Saxmundham Garden Neighbourhood - EDF proposals for site 717 - HRA findings.msg

Appendix 2 – email regarding site areas

RE_SCLP 12_29 - erratum and employment land question - site 716.msg

Appendix 3 – soundness representations

SCDC CE Reg 19 final reps SaxmundH

Appendix 4 – Atkins Matter Statement
Dear Mark and Scrutiny Committee

p23 of the Plan report for Scrutiny sets out the tests of soundness
a) Positively prepared – providing a strategy which, as a minimum, seeks to meet the area’s objectively
assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring
areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
b) Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on
proportionate evidence;
c) Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic
matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
and
d) Consistent with national policy – enabling the delivery of sustainable development in accordance with the
policies in this Framework.

The attached e-mail “re Suffolk Coastal Local Plan” states clearly the future Sizewell stage
three consultation requires land adjacent to the railway line where site 717 is located. Site 717
forms a significant part of the planned wilderness area deemed essential to the successful
promotion of the revised Saxmundham Garden Neighbourhood proposals. It is also located
crucially at the most vulnerable area of the site, i.e. the interface of the residential and the
proposed landscape area.
P51 of the Plan sets out the terms on which EDF's proposals will be determined. The decisions in respect of the new power station will be taken at a national level as a Nationally Significant Infrastructure Project (NSIP) with various regulators assessing safety, security and other issues through the necessary design and construction. The Council would be a statutory consultee in this process. However it is considered that one of the biggest development and construction programmes faced by the Council and its communities in generations should be developed alongside the overall policy framework for the District to enable the impacts and benefits to be managed, including addressing the issues of cumulative impact and outcomes of other large scale projects.

The SGN is a large scale project with its own distinct policies, that set out terms on which the SGN is acceptable in view of the impact of the scheme on vulnerable off site locations.

P55 of the Plan Policy SCLP3.4: Proposals for Major Energy Infrastructure Projects lists a range of requirements many of which are breached automatically by this EDF proposal that will form part of the overall NSIP application.

Sizewell C Stage 3 consultation dates were confirmed yesterday. This run from 4th January 2019 to 29th March 2019. The SCDC plan will be signed off before this starts and the consultation will therefore close before the EDF consultation ends.

The scrutiny Committee are therefore on notice that unfortunately the revised SGN proposals are potentially unsound because of this proposed land use. I attach email “Aspinall Verdi Vibilit Workshop” in which I inquired and you responded to my inquiry about EDF proposed land use in Saxmundham. While I inquired about EDF and you responded about Network Rail it is clear first that you were entirely unaware of EDF’s intentions and second there was no communication with EDF at all. I place the entire responsibility for this on EDF and not you or your department who deserve huge credit for having kept to this most gruelling timetable while retaining courtesy and good humour.

Scrutiny Committee cannot ignore EDF’s stated intentions. If the SCDC Plan is signed off on Jan 3rd and EDF open consultation on Jan 4th with a proposal which blows a big hole in that Plan, it is foreseeable that this public display of contradictory information will cause significant reputational damage and call into question the the credibility of the SGN proposal. The EDF use runs entirely contrary to the Council’s HRA assessment findings and recommendations and the clear mitigation strategy for the SGN.

So Scrutiny must surely do the following

1. Inform full Council of this risk to the Plan
2. Inform full Council that if EDF do not change their plans by the 2nd of January, the SGN as set out in the Plan cannot necessarily be deemed an appropriate strategy
3. Council must therefore consider putting forward one or more of the “reasonable alternatives” that it has previously rejected, if these exist, and there is no evidence they do.

There is no reasonable prospect the Plan can deliver the SGN mitigation output as required by the HRA assessment within the plan period. The plan risks being found unsound on the SGN at examination first due to lack of consideration of a suitable alternative second because it cannot be said to be effective.

It seems that SCDC needs to encourage EDF to look elsewhere, and very soon. That would resolve the matter.

Kind regards
Hi Chris,

Thank you for your email and I am pleased to see that you have read and digested the details contained within the report and documents for the Scrutiny Committee.

With respect to the proposals being prepared as part of the Local Plan by the Council and those prepared by EDF as outlined in the email from Beth these will both have to take their own course through various stages of consultation and statutory processes. As Beth has outlined, there is regular contact between EDF and the Council and based on consultation responses and engagement we are confident that the Garden Neighbourhood is deliverable.

Councillors (across the Council) are aware of the work that EDF are undertaking and the Council will of course engage with the consultation published by EDF in the New Year. The Scrutiny Committee only has remit to consider the documents before them and therefore it would not be appropriate for officers to raise your “irreconcilable contradiction” at the meeting on the 27th November.

Mark.

Mark Edgerley BSc(Hons) PgCert MA MRTP
Principal Planner
Planning Policy & Delivery
Suffolk Coastal and Waveney District Councils
Tel: [redacted]

On 1 April 2019, we will become East Suffolk Council – a new ‘super district’ authority, serving the residents, businesses and communities of both Suffolk Coastal and Waveney. Importantly, it will be business as usual and the high quality services you receive from us will not be affected. www.eastsuffolk.gov.uk
Dear Mark

I have now read the draft plan and can withdraw my previously submitted concern about land value on site 717 as this has been addressed by the revised masterplan. However the crucial matter is now about the land take for the proposed EDF site in view of these same revised SGN proposals. It is simple; the EDF proposal completely wrecks the draft plan proposals as they undermine and negate the evidence and policy base for the SANG.

The only way this could be acceptable is if EDF were to give an undertaking at planning stage their use would be temporary (life cycle of use to be defined in terms of progress of the project for which land take is required) and that the site would be remediated thereafter to return it to the Reg 19 allocated green space use and for the land ownership in addition to be a green legacy. Alternatively EDF can look elsewhere.

I copy below the correspondence sent to EDF about this issue.

Please can this irreconcilable contradiction of use be raised and reflected in the Scrutiny next Tuesday with particular emphasis on action to promote a clear resolution prior to submission to examination to avoid any potentially damaging representations in support of the EDF use which might undermine the new SGN proposals.

Kind regards

Chris Edwards
Cc: Cllr Tony Fryatt
   Chair LTLA
   Chair Saxmundham Neighbourhood Plan group

From: Chris Edwards
Sent: 20 November 2018 13:49
To: 'Winstone Beth', 'McGarry Tom', 'Gilmour Hugh'
Cc: 'Christopher Lucas'
Subject: RE: Proposed new Saxmundham Garden Neighbourhood

Beth,

Many thanks for this and we shall await the consultation in the new year, although nothing can alter the fact that the compound proposal is at odds with the detailed landscape and habitat requirements set out in the masterplan proposals.

If we assume that the average UK dwelling occupancy is 2.4 persons per household UK census 2011, 800 homes will “generate” 2000 residents

The draft plan makes provision for the following suitable alternative green spaces (SANG)
The design of the SANGs in terms of their layout, size and facilities should be an early consideration for development sites, ideally at the strategic/master planning stage. Good practice in SANGs design is now widely recognised and include the following:

- Creating a rural and wilderness feel, in order to provide a similar experience to recreation being undertaken on European sites
- Avoiding visual and audible detractors such as busy roads, urbanised landscapes, industrial and manmade features
- Providing an experience that avoids a ‘busy’ feel. SANGs design elsewhere has quantified this with a measurement of no more than one person per hour per ha, but other means of quantifying a tranquil feel may also be appropriate.

Seeking to provide a minimum of 8ha per 1000 residents, but ensuring that the proposed size is justified in light of local circumstances (a greater size may be required in some instances). Resident numbers are usually calculated on the basis of 2.4 residents per dwelling, unless local information suggests otherwise (2.4 residents per dwelling is based on the 2011 census as a national average).

That means 16 hectares of green space are needed as a minimum, and possibly more than this, to mitigate the proposals. The combined area of the site 1012 west and site 717 is 12.9 hectares. Absent site 717 the total available SANG area (discounting “on site” green space) falls to 10.2 hectares.

I am sure you will by now have considered this point. I shall forward this e-mail to Mark Edgeley and Cllr Tony Fryatt since the plan is before SCDC Scrutiny Committee next Tuesday. The revised Saxmundham Garden Neighbourhood cannot be implemented to comply spatially with this evidential requirement with a proposed work compound in the middle of the site. The visual impact of such a use would also act as a major deterrent to people using the remaining area for recreation by negating a wilderness feel, promoting audible and visible detractors, denying tranquillity and thus contribute to encouraging the very thing the SANG is intended to mitigate, namely off site recreational use.

Kind regards

Chris Edwards

For LTLA

From: Winstone Beth
Sent: 20 November 2018 12:00
To: Chris Edwards
Cc: Christopher Lucas, Gilmour Hugh
Subject: RE: Proposed new Saxmundham Garden Neighbourhood

EDF Energy last consulted on its Sizewell C proposals between November 2016 and February 2017. The results of that consultation, continuing engagement with stakeholders and further environmental studies have enabled us to amend our proposals and take important steps towards settling our preferred scheme for our DCO application. Further work is necessary and, importantly, some choices still remain and this will all form part of the consultation that will take place early next year before finalising and preparing our DCO application. We will gather feedback on our proposals as part of the stage three consultation early next year.

If we have an interest in a particular land parcel the landowner will have received correspondence from us recently and will have further correspondence from us in due course.
We have regular engagement with East Suffolk Council through our contacts there as I am sure you do in relation to this site and the Local Plan.

You will be able to obtain further information on our proposals early in the new year.

Regards
Beth

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From: Chris Edwards [mailto:]
Sent: 19 November 2018 20:18
To: McGarry Tom; Winstone Beth
Cc: 'Christopher Lucas'
Subject: Proposed new Saxmundham Garden Neighbourhood
Importance: High

Dear Tom and Beth

As you were kind enough to assist me with my inquiries I hope this email might be of use to you.

Below is a snapshot of p 283 of the revised SCDC Reg19 Local Plan that is going to the SCDC scrutiny committee on the 27th November. The shift westwards of the railway line has been justified on Habitats Assessment basis. I attach this report. I am attending the meeting. Helpfully for EDF the habitat report constrains the land value of site 717.

However on the other hand the report and the plan below show that the site 717 falls into the area of land required for the very significant area of green space deemed necessary to mitigate the SGN masterplan development. There is considerable detail on the type of land needed for the green space in the report and in the draft plan. It would seem that EDF proposals run a coach and horses through the masterplan proposals. I note that Site 435 is not mentioned at all in the revised masterplan. However EDF noted at Issues and options stage they were interested in the part of that site 435 adjacent to the railway line. Could that be an alternative?

I have copied this to the Chair of the Leave the Layers Alone group and bcc to other members of the group to avoid email inflation. It was their initiative to protect the Layers from development in the Local Plan, which objective seems to have been accomplished. However the group and its supporters may well have a keen interest in the consultation you are going to run on use of site 717. Early dialogue might prove constructive.

Kind regards

Chris

Cc Christopher Lucas, Chair, Leave the Layers Alone


p 283
The illustration below provides an initial indication of how the Garden Neighbourhood masterplanned, demonstrating the focus on the creation of neighbourhoods' focus green infrastructure and the provision of significant areas of open space.
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Hi Chris,

To provide some clarity at this stage, please see the attached map which details the site areas for the Saxmundham Garden Neighbourhood. The size of the allocated sites are also provided on the Council’s interactive mapping system which was published alongside the Final Draft Plan:

http://eastsuffolk.maps.arcgis.com/apps/webappviewer/index.html?id=e198e4fa5d79477c8da6e460e168d4d1

As detailed on these maps, the site area is slightly larger than that outlined in the text of the Final Draft Plan but this difference is not considered to be significant and can be picked up through minor text amendments through the examination and hearing sessions. It is my understanding that the site areas within the SHELAA that you have highlighted are perhaps not accurate. However at this stage, there is no opportunity to make amendments to the evidence base documents.

I appreciate that the information may be misleading and potentially confusing but the site boundaries have been consistent throughout and I would suggest that the majority of people are focussing on the extent of the site as opposed to the site area in the SHELAA. Aspinall Verdi were provided with the GIS map layers for the allocated site to inform the Whole Plan Viability Study which obviously provides an accurate calculation.

As you are fully aware, the Council will be submitting the Local Plan to the Planning Inspectorate on the 29th March. Through the examination and hearing sessions, there may be opportunity to revise some aspects of the evidence base (SHELAA) but at this stage there is no opportunity to make these amendments.

I hope this clearly provides the Council’s position at this stage.

Kind regards,

Mark.

Mark Edgerley BSc(Hons) PgCert MA MRTPi
Principal Planner
Planning Policy & Delivery
Suffolk Coastal and Waveney District Councils
Tel:

mailto:

On 1 April 2019, we will become East Suffolk Council – a new ‘super district’ authority, serving the residents, businesses and communities of both Suffolk Coastal and Waveney. Importantly, it will be business as usual and the high quality services you receive from us will not be affected.

www.eastsuffolk.gov.uk
Dear Mark

I note my calculation error on this site. 4.5ha plus 2.69 ha makes 7.19 ha not 8.19, my apologies. I have amended the record below this email. However my point about the significant of area enlargement of site 1012 remains valid. I also note I overstated the net developable area. This is now reduced to apparently 30 ha, assuming all housing development is on the west side of the railway and east of the A12. I have again corrected this figure below this e-mail. I now take this opportunity to address part my own question about the employment land raised at the end of my previous e-mail.

Site 716

The proposed employment allocation is by approximation less than half and more than a third of the area of the site shown in the policy map for SCLP 12.29 submission plan and as site 717 is 16 ha the employment land cannot be 13.6 ha. I have estimated this as 7.4 ha There are two alternatives if the employment land is 13.5 ha

1. Some of the employment land and possibly up to 6 ha lies within the 53 ha east of the A12, assuming this is 53 ha.
2. All of the employment land is on site 717 and the map is incorrect.

1. This means the area available for housing shrinks further requiring almost inner city urban densities for the housing once the school, community hub and green infrastructure are considered, which does not accord at all with the principles of garden neighbourhood development
2. If this applies the map is significantly incorrect and the scheme has not been properly consulted because a land take of that scale west of the A12 will extend the site to become a road corridor not simply a spur of land adjoining the highway. This is even further removed from the Garden Neighbourhood concept than would be the lesser employment land take shown on the submission plan policy site area/ map.

These are not semantic points in planning terms and there is considerable disquiet about the apparent conflict between the concept of the SGN, and the ability to deliver it on the terms on which it is proposed in the policy map and policy supported by the HRA requirement for an extensive SANG without significant modification. That would make it an entirely different proposal.

Kind regards

Chris
Amended figures in red

Here is the difficulty, assuming we use SCDC site measurements taken from the SCDC SHELAA site measurements Dec 18 report. The measured area of sites listed is 67.11 ha. This is the largest area the site policy could be and this is 0.5 ha larger than the proposed allocation. However Site 715 is excluded from the allocation; Site 716 is shown on the Reg 19 local plan policy map to be significantly smaller than 16.29 ha. Removing the 4.5 ha of site 715 and assuming the employment area is 13.6 ha not 16.29 ha the site reduces by 7.19 ha to 59.41 ha including employment land. (in reality the site 716 is smaller than 13.6 ha but we shall ignore that for now)

I can point out one significant error; it is with site 1012 west which is assessed as 10.02 ha for both the July and December SHELAA as. I attach the measurements There is however a large size variance between them as shown on the plans seen at First and Final draft. The site 1012 is considerably enlarged in the December SHELAA blue plan over the First draft area but the areas in the SHELAA remains unaltered... The December measurements are copied and pasted exactly, the July measurement is a screen shot. I also attach the site plan map which reflects the smaller first draft plan area for site 1012.

The additional area shown, enlarging the site 1012 from the area shown in the site plan map/ First draft plan to its present dimension, cannot be 7.19 ha, this can be seen by reference to site 717 which is agreed to be 9 or at most 9.4 ha.

That 7.19ha is the total hectarage required to make up the difference between the 59.41 ha above and the 66.6 ha proposed allocation. None of the measurements make any sense and this is not simply as stated a discrepancy, there are so many variables. I have not even looked at the site 716 on which there is a further discrepancy.

The key points are

1. The additional area of open space is a cost to the scheme, it is now 22/23 ha not 19 ha meaning the SGN must be located within an area of 30 ha net west of the railway line.
2. The area reconciliation of 53 ha and 13.6 ha totalling 66.6 ha apparently therefore only works if we use measurements from sources other than SCDC’s own measurements as we cannot match them to the SHELAA.

IN order to assist all of us please can you evidence how SCDC has obtained its site measurements? Also please can you confirm the size of the employment area and that it is solely located west of the A12? Thank you.

Kind regards

Chris Edwards

From: Mark Edgerley
Sent: 19 March 2019 12:30
To: 'Chris Edwards'
Cc: Philip Ridley 'C: Christopher Lucas' 'Peter Minta'
Subject: RE: PolicyMap and text for SCLP 12.29 - TCPA 2012 part 4 s 9 (2)
Hi Chris,

Thank you for your emails and apologies for the delay in responding – but we are focussed on work needed to submit the Local Plan and associated documents to the Planning Inspectorate by 29th March 2019.

With regards to your query about land area – I can confirm that the areas provided in the text for the Garden Neighbourhood and the map are the same and correct. The Garden Neighbourhood allocation (Policy SCLP12.29) includes the employment land to the west of the A12 and the mixed use area between the A12 and the B1121 and has been measured as 66.6ha. I can also confirm that this is the allocation that Aspinall Verdi considered as part of the Whole Plan Viability Study. I would highlight that in respect of the employment land, Aspinall Verdi treated this separately for the viability purposes as outlined in para 5.41 of that report.

I appreciate that the Garden Neighbourhood is made up of various parcels of land and this has been subject to various iterations (First Draft Local Plan and Final Draft Local Plan). It has also been subject to landowner representations promoting similar BUT different boundaries. This is all normal practice for Local Plan work and the Council is confident that the inputs received from Aspinall Verdi and other interested stakeholders such as Suffolk County Council have all been consistent and provide a sound basis on which to publish the Final Draft Local Plan.

At this stage, the Council does not consider it necessary to make any amendments and are intending to submit the document to the Planning Inspectorate by 29th March 2019. Following this, those people/organisations who made representations will have opportunity through the Examination hearing sessions to present their case to the Inspector.

Kind regards,

Mark.

Mark Edgerley BSc(Hons) PgCert MA MRTPi  
Principal Planner  
Planning Policy & Delivery  
Suffolk Coastal and Waveney District Councils  
Tel: [redacted]  
mailto:[redacted]

On 1 April 2019, we will become East Suffolk Council – a new ‘super district’ authority, serving the residents, businesses and communities of both Suffolk Coastal and Waveney. Importantly, it will be business as usual and the high quality services you receive from us will not be affected.  
www.eastsuffolk.gov.uk  

From: Chris Edwards [mailto:[redacted]]  
Sent: 18 March 2019 09:55  
To: Mark Edgerley  
Cc: Phillip Ridley; Phillip Dunnett; 'Christopher Lucas'; 'Belinda Moore'; 'Peter Minta'; 'jonathan cogg'  
Subject: PolicyMap and text for SCLP 12.29 - TCPA 2012 part 4 s 9 (2)  
Importance: High  

Dear Mark
Further to my previous email, under the terms of the TCPA Regs 2012 (set out below), where conflict exists text takes precedence over a policy map. However as noted and evidenced there are 2 published and conflicting sources of text information about the policy map for the Saxmundham Garden Neighbourhood, one of which is accurate. It is therefore not possible to rely on paragraph 9 below to represent that in view of the conflict between the map and the text, the inaccurate text figure of 66.6 ha applies.

The SGN policy area consisting of sites 1012 (west), site 717, site 714 and part site 716 is 60 ha as stated by the accurate text source, and not 66.6 ha as stated by the inaccurate source, as measured against current available plans and information.

We await a response to know what SCDC propose to do about this matter prior to submission to the examiner.

Kind regards

Chris Edwards

The Town and Country Planning (Local Planning) (England) Regulations 2012

PART 4 Form and content of documents and regard to be had to certain matters
Form and content of local plans and supplementary planning documents: general
Form and content of the adopted policies map

9.—(1) The adopted policies map must be comprised of, or contain, a map of the local planning authority's area which must—

(a) be reproduced from, or be based on, an Ordnance Survey map;

(b) include an explanation of any symbol or notation which it uses; and

(c) illustrate geographically the application of the policies in the adopted development plan.

(2) Where the adopted policies map consists of text and maps, the text prevails if the map and text conflict.

From: Chris Edwards
Sent: 14 March 2019 12:38
To: 'Mark Edgerley'
Cc: 'Jonathan Clowe', 'Christopher Lucas', 'Peter Minta', 'George Venning', 'Belinda Moore'
Subject: request for SCDC response to Significant area discrepancy for Policy SCLP 12.29
Importance: High
Dear Mark,

I write to draw your attention once more to the significant 6 hectare discrepancy in the site measurement for this Policy, and to ask what is to be done. The discrepancy is evidenced from the Council's own documents. I attach the evidence below this e-mail.

As you are aware the Aspinall Verdi whole plan viability report assumes the allocation site to measure 66.6 ha. It assumes the area for financial appraisal excluding employment land to be 53 hectares and the employment land therefore to be 13.6 hectares.

The following two Measurements are taken from Pigeon masterplan site submitted for Issues and Options consultation as attached
Of which  
Site 717  9.0  ha SANG
Site 714  32.81 ha housing, school, retail etc
The following measurement is taken from the SCDC suitability assessment
Site 1012  10.2  ha SANG
Total  52.01 ha (assume 53 ha)

If we assume this to be the entire area considered by Aspinall Verdi the assessed area indeed seems to be 53ha. Based on the two options below however the employment land is either 13.6 ha or it is 7.4 ha.

Which is it?

If it is not 13.6ha why does the AV report make the assumption it is that size? The SCDC reg 19 allocation plan clearly shows the area on site 716 to be less than 13.6 ha

This is not simply a mathematical error to be corrected. The Pigeon land masterplan proposal (copy attached) submitted for the Local Plan consultation shows an employment area in site 716 west of the A12 of approximately 13.6 ha. This cannot be a coincidence, and the question naturally arises, which plan was being appraised by Aspinall Verdi?

Reg 19 consultation responses submitted for Roger Skinner reference that SCC Highways in their first draft LocalPlan consultation responses commented on a plan for the garden neighbourhood which showed employment land on the west side of the A12, however that plan was not publicly consulted as the Council's preferred option for the First draft Local Plan. The Council's consulted plan did not show employment land on the west side of the A12. The most likely conclusion is that the scheme referred to by SCC Highways in their First draft consultation response is in fact the Pigeon Plan and not a draft of the Council's own proposed reg 19 scheme.

Notably, the Aspinall Verdi appraisal overlaps the Saxmundham First Draft proposals altogether and focuses on the reg 19 Plan. It seems entirely possible the scheme considered by Aspinall Verdi could have been mixed up with the unconsulted Pigeon proposals through no fault of theirs. Even though the Pigeon plan is for 63 ha not 66.6 ha their employment land site is shown at the enlarged size. It seems otherwise unlikely the land measurements for the employment land – Aspinall Verdi's assumption and the Pigeon measured area - would equate so closely.

What does the Council intend to do about this matter of the unconsulted plan and the phantom 6ha of land in view of its significance? The Pigeon plan is entirely different to the council's own plan. It begins to look as if there is a stealth agenda to seek plan modification at the first opportunity, in which case the plan has a "hidden" 6 ha of land that can be pulled out of the hat to generate additional value and reshape the site entirely. This is not localism in action and is not really suitable due process, and as I have already noted in reps the site is at the moment undeliverable in NPPF terms because it cannot be defined or identified. I think there are many who would appreciate an answer to these issues and what SCDC propose to do about them in advance of the submission of the plan for examination.
Kind regards

Chris Edwards

Cc Leave the Layers Alone

First Extract taken from


Policy SCLP12.29: South Saxmundham Garden Neighbourhood
Approximately 66.6ha of land for a garden neighbourhood is identified to the south of Saxmundham, which includes land within the parish of Benhall, for an education led development, comprising primary school provision, community facilities, employment land and open space alongside a variety of residential development. This new development will be delivered through a master plan approach brought forward through landowner collaboration and community engagement.

Second extract taken from interactive Policy map

http://east suffolk.maps.arcgis.com/apps/webappviewer/index.html?id=e198e4fa5d79477c8da6e460e168d4d1

Mixed Use Allocation

<table>
<thead>
<tr>
<th>Policy</th>
<th>SCLP12.29</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location</td>
<td>South Saxmundham Garden Neighbourhood</td>
</tr>
<tr>
<td>Description</td>
<td>Approximately 800 dwellings, primary school, community facilities, employment land and open space</td>
</tr>
<tr>
<td>Area (Ha)</td>
<td>60.5</td>
</tr>
</tbody>
</table>

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Representations for Soundness SCDC Local Plan reg 19 Consultation

Policy SCLP3.1: Strategy for Growth in Suffolk Coastal District

Policy SCLP12.28: Strategy for Saxmundham

Policy SCLP12.29: South Saxmundham Garden Neighbourhood

The SCDC Local Plan sets out a spatial strategy for development which includes a garden Neighbourhood for Saxmundham. The means of delivering this strategy is the South Saxmundham Garden Neighbourhood. Garden Neighbourhoods are promoted as a spatial policy within a strategic policy when they are in fact a delivery mechanism. Insofar as the policies refers to Saxmundham they are not justified and not effective.

Policy SCLP 3.1 relating to Saxmundham Garden Neighbourhood is not justified because it is not an appropriate strategy as the premise underlying it is deeply flawed. Policy SCLP 12.28and 12.29 are not effective because they are tied into Policy SCLP 3.1. Moreover the allocation is not a specific deliverable site under NPPF 67 because there are significant errors in the allocation proposals in contradiction to the NPPF principle of sustainable development and these errors cannot easily be corrected without making the scheme entirely a new one requiring it to be reconsulted. The wholly new scheme is in fact developer led not policy driven.

This appears to be a blatant case of seeking to fit policy to a developer proposal instead of a proposed allocation being consulted on and tested against policy

Policy SCLP3.1: Strategy for Growth in Suffolk Coastal District

The Council will deliver an ambitious plan for growth over the period 2018 – 2036 in Suffolk Coastal by:

a) Supporting and facilitating economic growth through the supply of significantly more than the baseline requirement of 11.7ha of land for employment uses to deliver at least 6,500 jobs and to enable the key economic activities to maintain and enhance their role within the UK economy;

b) Sustain and support growth in retail, commercial leisure and town centres including facilitating provision towards plan period forecasts of between 4,100 - 5,000 sqm of convenience retail floorspace and between 7,700 – 13,100 sqm of comparison retail floorspace;

c) Significantly boosting the supply of housing, the mix of housing available and the provision of affordable housing, through the delivery of at least 582 new dwellings per annum (at least 10,476 over the period 2018 - 2036);

d) Ensuring the provision of infrastructure needed to support growth;

e) Protecting and enhancing the quality of the historic, built and natural environment across the District.

The strategy for growth will seek to provide opportunities for economic growth and create and enhance sustainable and inclusive communities through:

f) The delivery of new Garden Neighbourhoods at North Felixstowe and South Saxmundham;

g) Utilising opportunities provided by road and rail corridors, including a focus on growth in the A12 and the A14 corridors;

h) New strategic employment allocations based around key transport corridors, including to support the Port of Felixstowe;

i) Strategies for market towns which seek to reflect and strengthen their roles and economies;

j) Appropriate growth in rural areas that will help to support and sustain existing communities.
Inspector question
Saxmundham
Policy SCLP12.28: Strategy for Saxmundham
3.34 Is the ‘and’ at the end of point e) necessary to make the Policy effective?

Policy SCLP12.28: Strategy for Saxmundham
Saxmundham will be enhanced as a market town, employment and service centre, serving a key role in meeting the needs of its residents, surrounding rural communities and visitors, recognising the opportunities related to the connections offered by the rail and A12 transport corridors.
The strategy for Saxmundham is to:
a) Enhance the vitality and vibrancy of the town centre, including through protecting and enhancing the historic core of the town and the railway station;
b) Utilise opportunities related to the presence of the railway and the proximity to the A12;
c) Diversify and expand employment opportunities;
d) Enhance pedestrian and cycle connectivity around and beyond the town, particularly to the town centre and the railway station;
e) Promote quality of life including through enhancements to networks of green infrastructure; and
f) Increase the provision of housing and affordable housing, and providing greater choice in the mix of housing available;
g) Provide for a safe and inclusive community; and
h) Protect and enhance the natural environment.
The creation of the South Saxmundham Garden Neighbourhood will provide new opportunities for housing, employment and community facilities, focused around the principles of an inclusive community and integration with Saxmundham and the surrounding countryside through enhancing green infrastructure networks.

NPPF
Annex 2: Glossary
Glossary of terms used in this manual.
Green infrastructure
A network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities.

NPPF

156. Strategic policies should be informed by a strategic flood risk assessment, and should manage flood risk from all sources. They should consider cumulative impacts in, or affecting, local areas susceptible to flooding, and take account of advice from the Environment Agency and other relevant flood risk management authorities, such as lead local flood authorities and internal drainage boards.

157. All plans should apply a sequential, risk-based approach to the location of development – taking into account the current and future impacts of climate change

– so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by:

a) applying the sequential test and then, if necessary, the exception test as set out below;
b) safeguarding land from development that is required, or likely to be required, for current or future flood management;
c) using opportunities provided by new development to reduce the causes and impacts of flooding (where appropriate through the use of natural flood management techniques); and

d) where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to relocate development, including housing, to more sustainable locations.

158. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.

159. If it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in national planning guidance.

160. The application of the exception test should be informed by a strategic or site-specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. For the exception test to be passed it should be demonstrated that:

a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and

b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

161. Both elements of the exception test should be satisfied for development to be allocated or permitted.

162. Where planning applications come forward on sites allocated in the development plan through the sequential test, applicants need not apply the sequential test again. However, the exception test may need to be reapplied if relevant aspects of the proposal had not been considered when the test was applied at the plan-making stage, or if more recent information about existing or potential flood risk should be taken into account.

171. Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.

Policy SCLP12.29: South Saxmundham Garden Neighbourhood
Approximately 66.6ha of land for a garden neighbourhood is identified to the south of Saxmundham, which includes land within the parish of Benhall, for an education led development, comprising primary school provision, community facilities, employment land and open space alongside a variety of residential development. This new development will be delivered through a master plan approach brought forward
through landowner collaboration and community engagement.
Critical to the success of this master plan will be the integration of the new garden neighbourhood with the existing community of Benhall and Saxmundham, as well as taking into account the location of the site. The master plan should be informed by community engagement and include:
a) Provision of a one form of entry primary school on a 2.2ha site to enable further expansion and early years provision;
b) 0.13ha of land for a further early years setting;
c) Community hub* comprising a variety of services and facilities to be located in an accessible location;
d) Project level Habitats Regulations Assessment and a significant area of Suitable Alternative Natural Greenspace which is designed to mitigate impacts on European protected sites;
e) Provision of green infrastructure, including informal and formal open spaces, circular walks, and retention and enhancement of the natural features on the site such as trees, woodland and hedgerows to be incorporated into the layout of the development;
f) Formal recreational opportunities to cater for all ages, including play space;
g) Public rights of way on the site should be preserved and enhanced;
h) Biodiversity networks and habitats to be preserved and enhanced, including measures to enhance biodiversity within housing areas;
i) Design and layout that supports a dementia friendly environment;
j) Design and development of the site which is sympathetic to the south entrance of Saxmundham, the Conservation Area and heritage assets, and views of the sensitive landscape and heritage setting to the east, as informed by a heritage impact assessment;
k) Proportionate archaeological assessment;
l) A site-specific Flood Risk Assessment which considers the cumulative impact on receptors off site;
m) Sustainable Drainage Systems (SuDS) to reduce the risk of surface water flooding and sewer flooding;
n) Evidence is required to demonstrate there is adequate Water Recycling Centre capacity or that capacity can be made available;
o) Provision of new vehicular access point from the A12 supported by safe access for cyclists and pedestrians;
p) Significant pedestrian and cycle accessibility throughout the site, with connections and improvements to networks beyond the site, including to the station and town centre;
q) Provision of a Transport Assessment, with particular regard to the capacity of the B1121/B1119 signalised crossroads;
r) Employment land to the west of the A12, to be masterplanned and delivered as part of the Garden Neighbourhood;
s) Approximately 800 dwellings of a range of types, sizes and tenures including housing to meet the needs of older people, younger and vulnerable people, and provision of self-build plots, including affordable housing on site;
t) Provision of appropriate police, community safety and cohesion facilities.

The necessary off-site infrastructure requirements, including health provision and police facilities will be required through developer contributions and water recycling upgrades undertaken by Anglian Water through the Asset Management Plan.
Any necessary off-site transport improvements will need to be provided to the satisfaction of Suffolk County Council.
* For the purposes of this policy services and facilities could include convenience store, shops, meeting places, allotments, education facilities, care facilities and medical facilities.

1. Not justified

The Local Plan currently proposes a housing requirement of 582 dwellings per annum over the period 2018 – 2036 (a minimum of 10,476 in total). As previously highlighted,
it will be necessary to robustly consider this minimum requirement in the context of any unmet needs arising within neighbouring authorities over the plan period. Against the current minimum requirement, it is reported that 6,998 homes are already built, under construction, permitted or allocated.

800 homes for Saxmundham is

\[10,476 - 6,998 = 3748\text{ or }21\%\text{ of new growth at 582 homes per annum}\]

\[9756 - 6998 = 3158\text{ or }25\%\text{ of new growth at 542 homes per annum}\]

The Local Plan Spatial Strategy (objective) is to promote 19% of all new growth over the plan period in Saxmundham, and to deliver this growth by way of a Garden Neighbourhood. However this is not an appropriate strategy first because the method used to derive the spatial target is flawed; second the chosen method SSGN is not needed to deliver it and nor indeed can it deliver what it promises to deliver (see Venning Viability study). Third because pupil yield is a factor of tenure not numbers of dwellings.

**Flawed Spatial method**
The 18% percentage figure has been derived not from growth requirements and assessed need in the area but from applying a formulaic SCC Education pupil yield of 0.25 pupils per dwelling estimate to work out the number of homes needed to maintain (not construct) a new school. In simple terms the SCDC premise is this:

"Current Saxmundham area primary schools are all at capacity

A new 210 place primary school is needed shortly for Saxmundham

SCC education methodology states that pupil yield per dwelling is 0.25 pupils per dwelling therefore 800 homes are needed to sustain a new primary school in the town ".

There are three flaws in this premise.

**First flaw:**
The Final Plan already provides the area in and around Saxmundham with a significant future allocation of 140 homes as this table shows:

<table>
<thead>
<tr>
<th>SCDC housing allocations Saxmundham Area</th>
<th>Neighbourhood Plan (contained in Local Plan)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kelsale cum Carlton</td>
<td>20</td>
</tr>
<tr>
<td><strong>Local Plan</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Policy SCLP12.29: South Saxmundham Garden Neighbourhood</strong></td>
<td>800</td>
</tr>
<tr>
<td>SCLP 30 Land North-East of Street Farm, Saxmundham</td>
<td>40</td>
</tr>
<tr>
<td><strong>Policy SCLP12.44: Land South of Forge Close between Main Road and Ayden, Benhall</strong></td>
<td>50</td>
</tr>
<tr>
<td><strong>Policy SCLP12.53: Land South of Ambleside, Main Road, Kelsale cum Carlton</strong></td>
<td>30</td>
</tr>
</tbody>
</table>
Using the same pupil yield methodology as for the 800 homes, 35 new pupils are already planned to come forward who will use a new school in the town, reducing the pupil requirement from other new development in the town to 165 pupils. That equates to 660 homes not 800 using the Council’s own logic.

**Second flaw:**

Between the first and final draft plans a further allocation of 300 homes or 7% of proposed new growth has been added to the Plan at Martlesham but the housing target for Saxmundham remains 800. The plan states regarding another site in Saxmundham (one of the listed polices above)

Policy SCLP12.30: Land north-east of Street Farm, Saxmundham

There is no indication that landowners will not bring the site forward. If landowners do not bring this site forward, there will still be sufficient housing delivered as the Local Plan has over-allocated, provided the majority of other allocations are delivered


In other words the Plan housing target for Saxmundham has nothing to do with school need and everything to do with pushing up the total pool of potential housing development sites.

The principal requirement is not 800 homes but 2.2 ha of land to build a new school and a further area for a pre school. The site for the school could go anywhere a majority of homes are built and the school land can be found in more than one place in the town. This land does not need to be provided by a Garden Neighbourhood; and or do the pupils need to be yielded by a garden neighbourhood. Finally

**Third flaw: Pupil yield is a factor of tenure type not numbers**
The SCC reliance on absolute pupil yield is highly questionable. Many other Councils provide evidence which shows that the higher the percentage of affordable homes provided on a development, the higher the pupil yield per dwelling from that development. In some cases this can be as high as 0.40ppd. In Saxmundham itself SCC evidence shows that older style affordable housing estates offered 0.35 to 0.38 ppd whereas modern affordable schemes offer a much lower 0.20 ppd.

All of these matters make for an inappropriate strategy and a poor justification for the quanta and method SGN and location which the site assessment process shows has poor connectivity with the town with no connection northwards and is therefore not evidentially a sustainable location especially for such a large allocation.

What does a reasonable alternative look like?
2. Not effective

SCDC has offered for financial assessment a site that holds a 10% area enlargement from what appears to be the actual site, in a constrained location, which land has escaped any form of assessment while being taken forward for allocation.

SCDC states the site to be 66.6 ha of which 13.6 ha are being set aside for employment. That is overstated by at least 6 ha by reference to the blue spatial plan. The employment area is in fact approximately 7.4 ha. The assessed area for housing and other uses is however 53 ha. So the actual total site is either about 60 ha or it is 66.6 ha, and 6.2 ha have somehow been missed.

The 13.6 ha area corresponds to an area shown in an unconsulted plan that is attached to a developer representation for the first draft plan consultation and about which the Council notes in the Consultation response p 866/867

Pigeon Capital Management 2 Ltd support the proposed site allocation and emphasise the collaborative approach which will be taken with the Local Planning Authority and key stakeholders to help deliver a sustainable education and employment-led scheme. Accordingly, in order to demonstrate that the various technical matters can be fully addressed, a number of technical studies have accompanied the comment, which will be addressed as part of a planning application.

Regarding ‘dementia friendly environments’, further detail as to how this feature would impact design and layout is sought. Site 715 is proposed for green infrastructure in order to maintain a separation between the communities of Saxmundham and Benhall, the railway line further acts as a boundary between the two settlements. The Concept Masterplan, contained within the Delivery Statement, details the mix of uses that will help create a sustainable community, including the provision of a primary school with early years, employment opportunities, retail, and other services and facilities within walking distance of the proposed housing. The proposal, however, suggests altering the proposed site allocation in the First Draft Local Plan to maintain the agricultural land east of the railway line enhancing the area with strategic landscaping and locating some of the employment units west of the A12. This shift to the West of the railway line has been sought in order to reflect the desire to protect the key heritage assets of South Entrance, Hurst Hall, the Layers and St John’s Church.

The above mentioned technical documents to support this First draft site allocation bear no resemblance at all to that First draft site allocation and further more as noted in the Roger Skinner response, SCC were consulted at reg 18 stage on the Pigeon plan and not on the Reg 18 plan. The one element which is clearly (transparently) adjusted between the first draft consultation and the final draft as a result of (Pigeon) comment on the first draft is the employment land. This moves west but as noted the area is much smaller than the stated area in the Aspinall Verdi viability appraisal.
However the area mentioned in the viability appraisal of 13.6 ha corresponds to the area in the Pigeon masterplan.

Options

A. the site is 66.6 ha

1. The land is actually 66.6 ha with 13.6 ha located on site 716 west of the A12, and 53 ha to the east. In this case the council proposes to allocate a site that has not been consulted and is not in the blue area shown in the policy. That would mean the 6 ha of land over allocated for employment could come forward for alternative use as housing once allocated for employment land using a viability argument. Put another way this is a hidden and as yet unaccounted for developer profit.

2. The 6 ha land is perhaps located east of the railway line and is therefore additional SANG space making 25ha not 19ha. This would be acceptable but probably not viable if the current proposed scheme is not viable.

3. The 6ha land is a combination of site 715 4.5 ha and an additional 1.5 ha area on site 717 which would make it a coalescent scheme in breach of proposed Policy on coalescence, and also an unconsented scheme since site 715 is intended as a buffer site to inhibit coalescence.

B the site is 60 ha

1. The total net area for development is then 60 less the SANG 19ha = 41 ha. However we then need to deduct the employment land of 7.4 ha, leaving an area of 33.6 ha. If we then deduct the school area of 2.2ha this leaves 31.4 ha. This area has to provide all of the benefits of the garden neighbourhood as described in the policy. This is not technically possible.

Conclusion

The SSGN is not an effective allocation because as is shown the site cannot be defined and therefore cannot be deliverable and is therefore not sustainable development. As the site cannot be defined it cannot be said to be a sustainable location in view of NPPF para 67 "Identifying land for homes". Alternatively absent the SANG area the site is too small to provide the benefits required by the policy.

There is no evidence to support an employment allocation of 13.6 ha, the total employment area target for the entire SSDC region. The presence of such a large allocation threatens the existing Carlton Park employment site in the town.

If the employment area is indeed only 7 ha then 6 ha of land fall to be allocated under the radar and are thereby either made valuable for alternative use or as a matter of geography are located in areas where development is restricted by policy resulting in internal policy conflict and again calling into question plan soundness.
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1 Introduction

1.1 This Matter Statement has been prepared by Ken Sabel of Atkins Ltd and is submitted on behalf of Roger and Wendy Skinner, of Hurst's Hall, and relates to the proposed South Saxmundham Garden Neighbourhood Policy 12.29.

1.2 This Matter Statement expands on previously submitted representations at Reg 19. Those suggest that to be effective the Policy needs modifying and strengthening in relation to the designated SANG area. The current policy wording does not adequately protect the special character of the land east of the Railway line (sites 714 and 1012 west) and its relationship in setting of Hurst's Hall.

1.3 We understand that Hopkins have withdrawn their site 1012 west, designated for SANG, from the Policy thus making it potentially unsound. However regardless of whether the policy can be made sound in its present form or not, and this land is retained for SANG, it is our opinion that the land to the west of the B1121, South Entrance, should be preserved in perpetuity.

1.4 It most certainly should not be developed for housing and/or a school, as its open nature is key to maintaining the settings and heritage significance of Saxmundham Conservation Area, St John's Church Saxmundham, and Hurst's Hall.

1.5 Previous studies by David Edleston for SDSC to inform the emerging policy (November 2018) and by Atkins Ltd for Roger Skinner, (September 2018), have identified the heritage assets to the north, south and east of the Layers to be particularly vulnerable to any development of the land. The Landscape character of the fringes of the Conservation Area is also vulnerable to development.

2 Heritage Significance, Landscape Character and the vulnerability of the Layers to development

2.1 The SDSC and Atkins studies found the key elements of these heritage assets’ significance and setting, and their vulnerability to development on the Layers to be as follows:

St John's Church:

2.2 The grade II* listed largely 15th century church is largely hidden in views from the north, east and south and the best views of its tower and its landmark character that survive and that were intended historically are those from the higher ground of the B1121 and the higher ground of the Layers to the west of the road. From these vantage points the church is also seen in conjunction with Hurst's Hall and Saxmundham Conservation Area and its strong historical relationships are visually legible within these views.

2.3 Development of housing or school to the west of the B1121 would remove considerable evidence of the church's former role as a landmark in the community and would affect the legibility of the church's historic relationships with Hurst's Hall and its inhabitants.

Hursts Hall:

2.4 The Grade II listed Hall, built in 1893, its 1803 and earlier predecessors were deliberately set in their parkland to maximise the views to the west (the service buildings, which were not designed to be seen, being located to the east of the house). From at least the 1730s onwards, country house fashion was for the arable and grazing land around a country house to form part of its setting, with
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animals and agricultural activities physically, but not visually excluded by means of ha-has and other
devices. This aesthetic continued into the late 18th century with the Picturesque movement and
through the 19th century, with the Romantic movement, with houses designed with open views
across their land (both parkland and arable land/grazing) being a feature of houses into the 20th
century.

2.5 The principal elevation of the 1803 house faced across the river to the Layers, which formed part of
the Estate, and the visual boundary of its setting was historically the tall tree screen on the east side
of plot 1021 (see Figure 2 below).

2.6 The principal rooms of the current Hurts Hall have the same key view to the tall tree screen, with
views beyond the B1121 and much of the road itself concealed by hedges, but the higher, western
part of plot 1021 visible beyond it. The views back towards Hurts Hall from this higher ground also
form an important part of its setting and the house can be seen with St John's church. These form
the best long views of both the church and Hurts Hall and helps make their historic relationship with
each other visually legible.

2.7 Hurts Hall is also significant for the fact that it was the Headquarters of 79 Armoured Division led by
Major General Sir Percy Hobart, the architect of the armoured landings on D-Day. The local shingle
and clay beaches were like the Normandy geology. Specialist personnel whose vehicles and
methods were used for clearing beaches of defences, allowing Allied forces to cross them, were
billeted on the Layers. D-Day was signed off by Churchill, Montgomery and Eisenhower at Hurts
Hall. This relationship between Hall and the Layers' setting makes an additional and recent
contribution to its significance. We are considering the possibility of seeking enhanced listing for this
rather extraordinary and unusual and largely unreported war history. As a quirk of history a forbear of
the original Long family helped to found Yale university, which holds the US national Eisenhower
archive, including his letters commending Hobart on his plan, which Eisenhower states were critical
to its success.

2.8 Historic England’s Principles of Selection for Listed Buildings, 2018 (p.5), defines special interest in
relation to Historic Interest thus: “To be able to justify special historic interest a building must
illustrate important aspects of the nation's history and / or have closely substantiated historical
associations with nationally important individuals, groups or events; and the building itself in its
current form will afford a strong connection with the valued aspect of history.” The strong link
between D-Day, Hurts Hall and the Layers, in itself therefore forms part of Hurts’s Hall’s special
interest.

2.9 Development of any sort, even a school on plot 1021, to the west of the B1121 would foreshorten the
setting of Hurts Hall, removing views of the designed boundary of the house’s principal key view to
the west. Any possible road (rather than pedestrian and cycle access) bridging the railway tracks in
the location as shown in the First Draft indicative masterplan would also cause considerable harm as
it would be visible on the main axis of the principal view from the principal upper floor of the house.
While that option has been removed it remains our view that regardless of the changes made, the
revised policy 12.29 does not go far enough to strengthen preservation of the land’s heritage and
landscape merits.

Saxmundham Conservation Area:

2.10 The conservation area encompasses the extent of the historic character of the historic market town.
In relation to the setting of the southern boundary the Conservation Area Appraisal identifies that, to
the south the conservation area is much enhanced by Hurts Hall “providing expansive attractive rural
character before entering the density of the town” (Saxmundham Conservation Area Appraisal, p.
13). It also identifies that “upon crossing the Conservation Area boundary there is an abrupt change
between the open countryside and the town.”

2.11 This is the only boundary area of the conservation area where the 19th century town boundary and
its relationship with the countryside remains intact (there are large modern buildings within the
conservation area on its east side as well as the Prior’s Grange development and the northern part
of the conservation area, north of the railway line is screened from the countryside to its east by the
raised railway embankment; the conservation area’s west side has large areas of later housing; and
its north boundary is also much altered, with adjacent housing). Its southern edge is enhanced by
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the high proportion of buildings that are identified here as either making a positive contribution to the conservation area or are listed. This abrupt unchanged southern boundary and the unchanged pattern of fields and tree plantations contributes strongly to the conservation area's historic character and appearance and thus its setting.

2.12 Section 13 of the Saxmundham Conservation Area Appraisal states that: “Proper account should also always be taken of the impact that new development adjacent a [sic] Conservation Area can have on its setting. Although a Conservation Area boundary represents a demarcation enclosing a special area of historic interest, changes immediately outside of it can still have a significant impact on character and appearance. The setting of the Conservation Area, therefore, has an intrinsic value that must be acknowledged in any proposals for change to it.” (Saxmundham Conservation Area Appraisal, Paragraph 13.1).

2.13 Indeed, the Summary of Character Features map on page 61 of the Conservation Area Appraisal (See Figure 1 below) identifies Important Views. The only Important Views facing out of the conservation area are on its south edge. Here, the two views towards Hurst Hall and the Layers are identified as being significant, as are the relatively clear views to the east and the views northwards into the conservation area. These all emphasise the abrupt change in historic character at the south edge of the conservation area between town and countryside.

2.14 Modifying proposals to permit any development of housing or a school on Plot 1021 would remove the abrupt change in character, severely harming the character and significance of the whole conservation area. The setting of the conservation area would also be harmed by development in its setting to the south west, closer to the railway track. Development here would also harm the legibility of the relationship between the conservation area, St John’s Church and Hurst Hall, most visible and appreciated from the B1121 and from the higher ground to its west.
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Figure 1  The Summary of Character Features map from the conservation area appraisal. Its southern boundary has the only key views out of the conservation area. It also shows that Site 435 (see Figure 3) is screened from the conservation area by modern development. St John’s church is hidden by the landmark. The two unlisted buildings that make a positive contribution on Church Hill have heavy perimeter screening).

3  Response to Hopkins Homes’ Heritage analysis

3.1  Armstrong Rigg Planning has made representations on behalf of Hopkins Homes and Hopkins and Moore Limited to the Suffolk Local Plan Examination objecting to an emerging version of Policy SCLP 12.29 (Core Submission Documents: A7, March 2019, Amended May 2019, Page 1383, Rep
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ID 1302). Their opinion, elaborated an appendix to their representation 'Appendix 2-Heritage Briefing Note prepared by Barton Willmore LLP, Land off South Entrance, Saxmundham, Heritage Review, February 2019', is based on several arguments and assumptions with which we disagree:

3.2 Hopkins Homes argues that development to the west of the B1121 would not cause significant harm to the historic environment and that harm could be mitigated by retaining the land east of the B1121 as open land, which they argue would maintain the open setting of the conservation area, Hurts Hall and St John's Church and 'enhancement' of the land east of the B1121 through a parkland planting strategy. They also mention planting trees on the B1121 to filter views of any housing and the retention of a 20m space along the west side of the road as mitigation and retention of hedgerows on the B1121.

3.3 Barton Willmore’s analysis and proposed measures fail to recognise that the retention of some open land between the Fromus and the B1121, and development to the west of the B1121, would not preserve the setting of these three assets, as the key views from the principal garden frontage of Hurts Hall are towards the boundary of the Hall’s historic estate. The tall trees on the field boundary on the west plot 1012 (see Figure 2) were intended to close the views across their land, which consisted of grazing/arable land. Building west of the B1121 and planting trees along it would considerably foreshorten these intended open views. The land to the west of the B1121 is also higher than that to the east and the views historically encompassed the higher ground in the west side of plot 1012.

3.4 The setting of St John's Church would also be harmed by considerably foreshortening views within its western setting. Building on the western half of plot 1012 would also harm the setting of the conservation area. The abrupt change between historic Saxmundham and its surrounding, largely agricultural setting which for centuries has characterised the historic boundary of Saxmundham has been eroded on all sides of the town since the mid 20th century, except at South Entrance, where it survives (a fact recognised in the key views identified in the Conservation Area Appraisal). Building within these views and 20m from the B1121, as suggested as mitigation by Hopkins Homes, would remove the last historic visual relationship between the historic town, as defined by the boundaries of the conservation area, and its traditional setting, severing the legibility of the conservation area's historic relationships and finally rendering it out of its historic context. This would cause considerable harm to the setting and significance of the conservation area, and would not preserve its character or appearance.

Saxmundham (South) & Benhall (North)

Figure 2-Plan of sites. The western half of Plot 1012 follows the field boundary designed to close the views from Hurts Hall across its historic estate, which is why it is bounded with tall hedges and trees.
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3.5 Hopkins Homes’ representation also quotes the Council’s Interim Sustainability Appraisal (of July 2018) which stated that under ‘Cultural Heritage - To conserve and where appropriate enhance areas and assets of historical and archaeological importance’ that the policy (which then included housing between the railway line and the A1121) could be delivered with ‘no effect’ on heritage assets. However, the Interim Sustainability Appraisal was prepared without the existence of a detailed heritage appraisal to inform it. Once SDSC were in receipt of their own specialist historic environment report (November 2018) and Atkins Ltd’s historic environment study, both of which provided the council with detailed analysis of the heritage issues, the council’s previous view was obviously considered to be superseded.

4 Policy and the need to protect the land East of the Railway Line

4.1 In relation to the proposed policy SCLP 12.29, given the key role and strong contribution of the land to the east of the railway line in the historic environment significance of St John’s Church, Hurst Hall and Saxmundham Conservation Area, through its vital role in their settings, and in the landscape character of the conservation area, we agree with the policy excluding development to the east of the railway line. This aligns with the legislative requirement in the Planning (Listed Buildings and Conservation Areas) Act, 1990, as amended, to have special regard to the desirability of preserving a listed building or its setting or any features of special interest which it possesses and the requirement in Section 72 of the Act that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. Protection of the Layers from development would also accord with the NPPF policies, including that in paragraph 185 of the NPPF which states that Plans should set out a positive strategy for the historic environment taking into account the “desirability of sustaining and enhancing the significance of heritage assets.” It would also accord with the need for an asset’s conservation to be given “great weight” when considering the impact of a proposed development on the significance of a designated heritage asset (NPPF, Paragraph 185).

4.2 However, we feel that the draft policy provides insufficient protection from future development pressures that may arise from the implementation of the masterplan and recommend that the Layers should be protected from development in perpetuity.

4.3 We are concerned that intense development of 800 houses and a school to the west of the railway line would set a precedent that would eventually cause pressure for development or at least the need for a road and/or additional pedestrian/cycle bridges across the railway providing access to the B1121, perforating the tree screen on the west side of site 1021. If such development were to occur there would be unacceptable harm to the significance and settings of Hurst Hall, Saxmundham Conservation Area and St John’s Church, and to the landscape character of South Entrance and the Conservation Area edge.

4.4 We recommend that a site east of Saxmundham, such as Site 435 (see Figure 3), which is considerably less sensitive to development, where intervening development and the landform screen much of the site from St John’s Church, Saxmundham Conservation area and from the isolated listed buildings to the north west and south east of site 435) would be more suitable for at least some of the proposed housing and the primary school.

Recommendation for policy to ensure soundness and compliance with NPPF on historic environment issues

4.5 There is a potential mismatch / lack of effectiveness arising from the lack of specific protection given to the Layers in the policy text, in contrast to the supporting text (paragraphs 12.286 to 12.288) and the illustrative masterplan at paragraph 32.313. It is clear from these passages that the policy is designed on the basis that, not only is there a need for a SANG, but that the SANG should go in the Layers, because they are not suitable for other development (see again paragraph 12.286). But the policy text is silent on these points. There is therefore a lack of “effectiveness” in achieving the policy aims, which must be taken to exclude development over the layers that would not respect the sensitivity of the Layers.
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4.6 Effectiveness may be achieved by strengthening policy 12.29 to be more specific about keeping the fields between South Entrance and Benhall clear of buildings and new obstructions to key views.

Saxmundham (Town)

Figure 3 Plan of Sites showing Site 435, which is better screened from the conservation area and other heritage assets than the Layers.