**Dear Councillor Members of the SCDC Scrutiny Committee,**

I write on behalf of the Kirton and Trimley Community Action Group.

Your committee is shortly to consider the “soundness” of the Final Draft Local Plan.   We have obtained specialist legal advice on the Plan and have identified numerous serious omissions, inconsistencies, contradictions and misconceptions in the Plan and its evidence base. This is particularly the case when due consideration is given to the Innocence Farm proposal and Trimley housing allocations.

We are in the process of finalising a more extensive document identifying these but, before writing to SCDC in greater detail, we wish the document to be reviewed by our barrister at a meeting arranged on Thursday 29th November, 2018. However, in advance of this meeting, and recognising your Committee is due to meet on Tuesday, 27th November, 2018, we would invite you to consider several of the main issues that make the Final Draft Local Plan fundamentally unsound.

We do not propose to repeat the previous submissions you have received opposing these proposals; we are confident you will have them well in mind. We suggest that, taken together, they wholly undermine the legitimacy of the proposals. We seek here to do no more than summarise a few of the more obvious points

The Need for Innocence Farm

1. The Plan assumes the Innocence Farm site is needed to accommodate future growth at the Port of Felixstowe and provide Port-centric operators an alternative to their current location within the Port’s perimeters. That assumption is misplaced.
2. We would invite you to note:

* Substantial development land exists within the Port’s current boundaries
* A further 49 Ha of employment land has been given planning permission, but not yet developed, on the Felixstowe side of the Orwell Bridge.
* The two sites closest to the Port were granted planning permission in 2014, but have not yet been developed.   These are owned by the same landowner as Innocence Farm.    One of these sites is brownfield land.  Two further brownfield sites, not mentioned at all in the Final Draft Local Plan, owned by the same landowner, are derelict.
* “The evidence base” – the 2018 Study – said:
  + The “Middle” case is 67Ha
  + The pipeline (without Innocence) meets the Middle case – 67Ha.
  + So, the Middle case, SCDC now seeks, does not require Innocence Farm at all
  + SCDC has confirmed in the Final Draft, the High case is off the agenda

1. The council would appear to acknowledge its duty under the 2011 Localism Act to co-operate with other local planning authorities on strategic planning matters.  Yet it fails to acknowledge the existence of some 184 Ha, already with planning permission, but not yet developed or operational, in neighbouring districts. Please note SCDC’s own evidence base states any further land required need not be on the same site and could be anywhere within 30 miles of the Port.
2. On any sensible analysis, there is no requirement for the development of Innocence Farm. The suggested long-term need is entirely speculative, and the sacrifice of valuable farmland is unwarranted. If this were to be approved, then it would amount to land-banking far beyond the Final Draft Local Plan’s statement of need.   That this is a basis for a legal challenge is obvious.

The Selection of Innocence farm as an appropriate site

1. In selecting appropriate sites, the Council developed a “marking scheme”. However, there is strong evidence to support the contention the application of the scheme was badly flawed.  Indeed, a particularly flagrant error that would have put an alternative site above Innocence Farm in the rankings was ignored when it was pointed out. The failure to correct this error was perverse and suggests a pre-disposition towards the selection of Innocence Farm.
2. The plan fails to address how containers will be transported from the Port to the Innocence Farm site.
3. The landowner’s agent for Innocence Farm estimates 3,200 HGV movements a day in and out of the site.  This does not apparently include movements within the site.  The transport assessment in the evidence base has not taken the HGV movements into account, only the employees car movements.
4. On pollution, SCDC’s “Interim Sustainability Appraisal, July 2018” documentation provides an assessment of air quality issues for Innocence Farm. This information was ignored in the Final Draft Local Plan. In reality, the development of Innocence Farm will lead to an increase in pollutants close to rural villages and a primary school. That would be irresponsible, contrary to central government policy and potentially a breach of both domestic and EU legal provisions which limit permissible emissions.
5. In the “Interim Sustainability Appraisal, July 2018, SCDC officials claimed the conversion of agricultural land to HGV/port use will have a “positive/green” effect to “To improve the health of the population overall and reduce health inequalities” (page 1029).      This entirely disregards the Local Plan’s own Policy “SCLP10.3: Environmental Quality” on page 163. The omission of any consideration about pollution is particularly damning given that SCDC Planning Officials instructed the Innocence Farm landowner in March 2017 to produce an Environmental Impact Assessment (EIA), following the landowner’s request for “Proposed Scoping Opinion for proposed logistics facility at Innocence Farm”.  The landowner has confirmed this has not been done.
6. The plan of the implementation of Innocence Farm on Page 300 is designed to give an impression of a green buffer between the proposed industrial land and the community.  However, it should be noted that, at presentations given by the landowner’s agents to Parish Councils in November, a significantly different plan was presented, including additional land areas not shown in the Final Draft Local Plan.    In any event, such a green buffer cannot be considered a satisfactory mitigation, especially in the absence of a quantified EIA and analysis of mitigation.  It should be noted expert opinion is that noise, light, chemical and particulate pollution is extremely difficult to mitigate.

Trimley Housing

1. We have noted the Objective Needs Analysis (ONA), required by the Inspector following the 2013 Plan debacle, has never been completed.
2. This failure gave the Government a sound reason to impose its own formula and allow the development of 2,000 houses at the Grove.
3. By accepting the Government’s formula to determine the housing need figure for the 2018/19 Final Plan, SCDC planners may well ensure an excessive figure is not challenged by the Inspector. However, this would be at the expense of every single Parish within the Suffolk Coastal District.
4. The Scrutiny Committee is asked to recognise the likelihood the parishes affected will probably come together to commission a professional ONA to make up for this omission on the part of the Council’s Planning Department, with a view to presenting a privately-commissioned, professionally-assessed ONA to the Inspector in June 2019
5. If the various communities feel compelled to take this step, it may well be considered SCDC had acted in a manner contrary to the interests of the people they are supposed to be representing. If this were held to be the case, the Kirton and Trimley Community Action Group would certainly have cause to review their options.
6. Prior to approving the Final Draft Plan, the Scrutiny Committee is asked to recognise:
   1. the likelihood of the Plan being challenged re. the above issues at the Inspectors hearing in June 2019
   2. the extent to which SCDC could be exposed to one or more community damages claims, in the absence of an ONA
   3. the likelihood of costs being sought for the preparation of a report that should have been considered a critical part of the evidence base
7. It follows, the Scrutiny Committee is urged to instruct the SCDC’s Planning Department to complete an Objective Needs Analysis without further delay and only re-submit the Draft Final Plan for approval when this exercise has been completed

Housing Allocations

8. Self-evidently, a soundly-based ONA, together with consideration of the points above concerning Innocence Farm, may well result in a far lower overall housing requirement for the District, as a whole.

9. In turn, this would have a knock-on effect on the number of dwellings allocated to communities across the SCDC region, two of which comprise the Trimley villages

10. The Kirton and Trimley Community Action Group has researched and understands how SCDC, prior to the production of the Felixstowe Area Plan, combined Felixstowe and the Trimley Villages into a single unit. The purpose of doing so would appear to be to define Felixstowe as a Major Centre within the planning hierarchy.

11. What then seems to have occurred is a massive over-allocation of housing to the Trimley villages that is completely inconsistent with their status as Key Service Centres

12. The legality of this seems, to us, worthy of a far closer examination.