**Local SOUNDNESS Issues**

This note focusses on the lawfulness and soundness of the following policies:

SCLP12.35 – LAND AT INNOCENCE FARM

SCLP 12.65 – LAND OFF HOWLETT WAY – ALLOCATION CARRIED FORWARD FROM THE FELIXSTOWE PENISULAR ACTION PLAN – 360 DWELLINGS

12.66 – LAND ADJACENT TO REEVE LODGE – 150 DWELLINGS AND TRIMLEY ST MARTIN PRIMARY SCHOOL FOR 400 STUDENTS

**THE DUTY TO CO-OPERATE:** Local authorities are obliged to co-operate and ensure the land required for housing development and employment (e.g. jobs) is not overstated. Any failure to comply with this fundamental obligation is likely to result in the Plan being thrown out. It appears there is no evidence of SCDC paying more than lip-service to their obligation to co-operate. However, there **is** evidence the reverse is true and a ‘protectionist’ policy is being operated. Innocence Farm is an example of this. The ‘Call For Sites’ in 2017 excluded many large sites in other local authority areas, all with outline planning permission for Port-related use.

**SOUNDNESS TESTS:** Not only must local authorities speak to one another, they are obliged to bring forward Local Plans that are “sound”. This means any Plan has to be (i) Positively Prepared (ii) Justified (iii) Effective and (iv) Consistent With The National Planning Policy Framework 2018 Guidelines. We offer the following examples where we consider SCDC has failed these tests

**SCLP12.35 – LAND AT INNOCENCE FARM**

It is NOT “Positively Prepared” because:

* The “evidence” being used to justify the need for any more housing or employment land is 11 years out-of-date
* The Plan takes no account of
  + The impact of increased rail capacity (suggested as 40% plus)
  + The fact the Port’s land requirements are based on the 2008 Port Study data, which is no longer valid
  + The efficiency gains realised in the 11 years since the 2008 Port Study was published
  + Further efficiency gains likely over the Plan period
  + The possible effects of Brexit
* SCDC proposes thousands of new jobs will arise from
  + Growth of the Port of Felixstowe
  + Additional jobs arising from BT and the Adastral Business Park
  + The needs of Sizewell C
  + The growth of small / medium-size new businesses in the area

Clearly this is completely unrealistic

* Employment levels at the Port are now falling quite quickly, as automation cuts in
* BT is cutting back on jobs
* Most Sizewell C (if it happens!) employees will only be required during the ‘build’ stage
* Common sense tells us new jobs arising from the small / medium-size business sector will not be measured in thousands
* If Innocence Farm is to be used (i) to accommodate port-centric operations (displaced from the Port) (ii) container storage or (iii) lorry parking, then:

(i) Zero jobs will arise from displaced port-centric operations (ii) few jobs will arise from warehousing (iii) even fewer will arise from a lorry park

* SCDC’s own evidence base demonstrates the need for more employment / housing land has not been objectively assessed
* SCDC has cherry-picked the Lichfield reports and quoted them out-of-context. It fails to make clear Lichfield’s ‘qualifications’ such as
  + The Port’s apparent need for more land need not be satisfied by a single site
  + Alternatives within 30 miles of the Port could be preferable
* The 2018 Study appears heavily weighted in favour of the principal landowner, Trinity College, Cambridge
* By limiting their consultants to the identification of land within 10 miles of the Port, SCDC have confirmed their pre-determination to claim the Innocence Farm site
* SCDC’s failure to co-operate in respect of alternative, better sites renders the Plan unlawful, in itself
* The Plan fails to take account of SCDC’s coastal position and, specifically, that access is only possible from a northerly or westerly direction
* It fails to assess the impact the preceding point is likely to have on businesses thinking of setting up in the area
* SCDC ignores the latest (2017) East of England Forecasting Model (EEFM) data
* In effect this means SCDC has overstated the jobs growth forecast (6,500) by 1,100 jobs
* SCDC ignores the most recent EEFM data for its B8 employment land forecast
* Because of all the points noted above, it is not consistent with sustainable development and has *NOT* been *POSITIVELY PREPARED*

It is NOT “Justified” because:

* The EEFM figures show negligible growth in the employment land requirement, which defies the SCDC forecast in the Local Plan
* There is no appropriate strategy for Innocence Farm and alternatives, which are far more suitable (and available), have been ignored
* Although there is no evidence the Port needs any more land at all, the claimed need for a further 67Ha can be met by available sites close by, which are suitable and have outline planning consent already
* The 2018 Lichfields Port Study recommends several sites would be better than a single site
* The Plan fails to recognise ‘approved’ or ‘brownfield’ is to be developed ahead of green field sites
* In respect of the use of brownfield land, the Plan breaches the NPPF guidelines
* Because of all the points noted in this section, the Plan is not consistent with sustainable development and has *NOT* been *JUSTIFIED*

It is NOT “Effective” because:

* The Plan’s viability is cast into doubt by SCDC’s own evidence base (Page 434)
* The Plan declares Innocence Farm to be unsuitable for anything other than Port-related use

(presumably, farming is OK!!)

* There is no evidence of co-operation with neighbouring councils
* There is no evidence the Highways Agency nor Network Rail nor the landowner, Trinity College, are willing to contribute to the huge cost of re-modelling the A14 to provide proper site access
* The site cannot be accessed by rail unless there was a similar huge investment
* The A14 is over-capacity already (SP10 of the previous Local Plan)
* A logistic facility to the East of the Orwell bridge will exacerbate the problem of traffic over the Orwell Bridge
* Ipswich town centre traffic already grinds to a halt when the Orwell Bridge is closed and the problem will only get a great deal worse
* Because of all the points noted in this section, the Plan is not consistent with sustainable development and is *NOT* *EFFECTIVE*

It is NOT “Consistent With The NPPF 2018 Guidelines” because:

* All the above points make clear Policy SCLP 12.35 is undeliverable
* As stated already, Policy SCLP 12.35 conflicts with NPPF paragraph 118
* The Interim Sustainability Appraisal and Final Plan both ignore the inevitable increase of light, noise and particulate pollution if there is a change of use from agricultural to some other usage
* There is no acknowledgement that 300 acres of prime agricultural land is to be sacrificed
* There is no mention of a survey of the habitats likely to be lost nor the damage the environment is likely to sustain
* The Interim Sustainability Appraisal indicates a ‘neutral’ rating for “improving health”. This cannot possibly be true
* No mention has been made of the prevailing south-westerly wind that sweeps Kirton Village and its primary school
* Trimley Primary School is situated close to the site. SCDC has taken some account of widespread research showing schoolchildren are particularly prone to the effects of pollution. Its solution is to close / re-locate the school!
* Closing or moving the school will cause a considerable problem for the many parents from North-East Kirton, for whom the existing school is at the limit of their walking distance
* It will not be possible to fully mitigate the effects of increased pollution, whatever its extent or cause.
* To permit a development certain to raise levels of sulphur dioxide, nitrogen dioxide, benzene, carbon monoxide, lead and PM10 in ambient air would be grossly irresponsible
* The risk to health, particularly that of the elderly and schoolchildren would be unacceptably high
* The proposal would increase significantly the merging of Ipswich and Felixstowe by way of a ribbon development along the A14 corridor.
* To date, it has been a well-publicised strategic objective of SCDC to maintain a geographical separation of these two towns
* Because of all the points noted in this section, the Plan is not consistent with sustainable development and is *NOT COMPLIANT WITH* numerous *NPPF GUIDELINES*

We offer below examples where we consider SCDC has failed the “soundness” tests in respect of policies:

**SCLP 12.65 – LAND OFF HOWLETT WAY – ALLOCATION CARRIED FORWARD FROM THE FELIXSTOWE PENISULAR ACTION PLAN – 360 DWELLINGS**

**12.66 – LAND ADJACENT TO REEVE LODGE – 150 DWELLINGS AND TRIMLEY ST MARTIN PRIMARY SCHOOL FOR 400 STUDENTS**

They are NOT “Positively Prepared” because:

* There appears to have been no meaningful co-operation between neighbouring councils as evidenced by the minutes of (i) SCDC’s Local Plan Working Group or (ii) the Ipswich Strategic Planning Area Forum
* No evidence has been offered by way of meeting minutes to show discussions have taken place with adjacent local authorities about the wider need for more houses and how it is to be best accommodated
* The Plan is not informed by agreements with other neighbouring authorities, thereby breaching further their duty to co-operate
* The proposed policies appear heavily weighted in favour of the principal landowner by bringing forward sites owned, in the main, by Trinity College, Cambridge
* Local ‘new job’ estimates are unrealistic for the same reasons made clear in respect of Innocence Farm
* It follows the many thousands of new homes proposed for the Felixstowe Peninsular are not required for new job holders
* SCDC has made no attempt to objectively assess the need for new housing
* Added to the wildly optimistic employment predictions of neighbouring districts, it is self-evident the total is far beyond anything that can reasonably be expected to materialise
* It fails to take account of SCDC’s coastal position and, specifically, that access is only possible from a northerly or westerly direction
* It fails to assess the impact the preceding point is likely to have on businesses thinking of setting up in the area
* Because of all the points noted above, the policies, as proposed, are not consistent with sustainable development and are *NOT POSITIVELY PREPARED*

They are NOT “Justified” because:

* SCDC ignores the latest (2017) East of England Forecasting Model (EEFM) data, preferring the 2016 data instead
* In effect, this means SCDC has overstated the jobs growth forecast (6,500) by 1,100 jobs. This is a gross figure and there is no evidence to indicate how potential job losses might influence that figure, nor the knock-on effect on the housing requirement.
* The EEFM figures show negligible growth in the employment land requirement, which is in contradiction to the SCDC forecast in the Local Plan
* Consequently, the housing requirement figure is significantly over-stated
* The Lichfields 2018 Port Study is hugely flawed, relying as it does on old data, now superceded.
* Employment and housing numbers have been calculated as a result of the consideration given to flawed data
  + - The forthcoming merger between Suffolk Coastal and Waveney is expected to result in a further reduction of 730 jobs
    - The High Street retail and banking sectors have both suffered from customers moving to on-line shopping / banking.
    - It is predicted the UK will lose 8,820,545 jobs by 2030 due to automation.
    - Previous predictions for new jobs locally, during the 2011-2016 period, have resulted in only 37% becoming a reality!
    - The 37% figure takes no account of job losses / retirements
    - There can be no confidence current predictions are achievable.
    - No new, large housing development can be sustainable locally, unless a solution is found to the impact of Orwell Bridge closures and an overloaded A14
    - When comparing the number of dwellings under construction, on the Felixstowe Peninsular (including Walton and the Trimley villages), there is a clear imbalance in comparison with the rest of the district.
    - Within the Trimley villages, the combined population has increased by only 1.89% in the last 10 years, demonstrating there is no need for new housing. However, the Plan proposes house numbers should more than double.
    - Windfall housing (houses built outside the existing Plan), predicted at 50 per year has been 4 times that figure
    - Despite this, the Plan continues to use a figure of 50 to predict future windfall expectations – patently erroneous!
    - There is no evident provision for the enforcement of affordable home /social housing targets, currently down by 50%
    - The Plan fails to recognise ‘approved’ or ‘brownfield’ land should be used ahead of green field sites
    - Regarding the preceding point, the Plan appears to breach NPPF guidelines
    - The situation for Trimley St Martin becomes worse when consideration is given to future ‘potential sites’ (417 dwellings) which, for the time being at least, have been discounted in favour of SCLP 12.66.
    - On the basis that the allocation of Innocence Farm as an employment site will be found to be unsound, the Policies are further unsound in respect of the disproportionate amount of housing supply allocated to the Trimley Villages.
    - In 2011 the Trimley Census population figure was circa. 1940. The existing and proposed developments (806 dwellings) in Trimley housing represents an increase of approximately 1900 people – almost doubling the population.
    - In terms of the total housebuilding requirement, the contribution from Trimley St Martin and Trimley St Mary is 776 (49% of the total
    - The Trimley villages are bearing a wholly unwarranted and disproportionate share of the new housing burden.
    - The ‘settlement hierarchy’, has been abused such that the Trimley Villages are being allocated a large housebuilding requirement, inconsistent with their status as “Large Villages.”
* Because of all the points noted above, the Local Plan, as proposed, is not consistent with sustainable development and is *NOT JUSTIFIED*

It is NOT “Effective” because:

* There is no evidence of financial support from significant National bodies
* The proposal will call for improvements to sewerage and water services
* There is no evidence of who is going to fund these developments. Neither the Highways Agency nor the principal landowner, Trinity College, have indicated any willingness to contribute these costs
* The A14 is currently over-capacity (SP10 of the previous Local Plan)
* With no new jobs coming from the vicinity of Felixstowe, there will be a significant increase in commuter traffic along the A14 to and from Ipswich
* This will impact on the Orwell Bridge, Ipswich town centre and the A12 (north), also
* There has been no assessment of the A14 / Howlett Way traffic implications, where traffic will, inevitably, back-up onto the A14
* No account has been taken of evidence provided to show Trimley High Road will become a bottle-neck
* No account has been taken of the proposed vehicular activity associated with Innocence Farm comprising 3200 daily movements plus 600 cars
* An additional 2,900 vehicles from the Brightwell Lakes, Martlesham development will have a knock-on effect upon the Trimley / Felixstowe catchment
* Because of all the points noted above, the Local Plan, as proposed, is not consistent with sustainable development, is not deliverable and is *NOT EFFECTIVE*

It is NOT “Consistent With The NPPF 2018 Guidelines” because:

Para 60 of the NPPF – July 2018 states: “*To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach, which also reflects current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for”*

* + - Given the above observations, there is an evident need to treat the Felixstowe Peninsular as an exceptional circumstance justifying “an alternative approach”
    - In respect of brownfield land, SCDC are in breach of the requirements of NPPF paragraph 118
* The Interim Sustainability Appraisal and Final Plan both ignore light, noise and particulate pollution
* There is no acknowledgement that prime agricultural land is to be sacrificed
* There is no mention of a survey of the habitats likely to be lost nor the damage the environment is likely to sustain
* The Interim Sustainability Appraisal indicates a ‘neutral’ rating for “improving health”. This cannot be true.
* No mention has been made of the pollution impact at the site of the proposed new school
* SCDC appears to have taken no account of widespread research showing schoolchildren are particularly prone to the effects of pollution.
* Because of the likely extent of the pollution increase, it will not be possible to mitigate the pollution effect, whatever its extent or cause.
* To permit developments certain to raise levels of sulphur dioxide, nitrogen dioxide, benzene, carbon monoxide, lead and PM10 in ambient air close to large numbers of households would be grossly irresponsible
* The risk to health, particularly that of the elderly and schoolchildren would be unacceptably high
* The proposal would increase significantly the merging of Ipswich and Felixstowe by way of a ribbon development along the A14 corridor.
* The proposals breach, in no small way, the Government’s stated intention of maintaining a clear separation between towns and villages
* To date, it has been a well-publicised strategic objective of SCDC to maintain a geographical separation between towns and villages.
* This policy would appear to have been abandoned
* Because of all the points noted above, the Local Plan, as proposed, is not consistent with sustainable development, is not deliverable and is *NOT CONSISTENT WITH THE 2018 NPPF GUIDELINES*

**SUMMARY**

SCLP12.65 and SCLP12.66, demonstrate no evidence of co-operation between neighbouring authorities and, thereby, are both unlawful. Additionally, both fail all four of the tests for “soundness”.