

IBC Local Plan Examination: Response to Northern Fringe Protection Group & Save Our Country Spaces Comments on Sustainability Appraisal 11/12/20

This technical note provides a response, where necessary, to the comments raised by the Northern Fringe Protection Group (NFBPG) and Save Our Country Spaces (SOCS) after week one of the Ipswich Local Plan Examination, with specific reference to the Sustainability Appraisal (SA). The key points are set out and responded to in turn below.

Comment 1: *The SA fails to recommend that the Plan needs to incorporate measures to ensure AQ will be improved sufficiently in the early years of the plan (before 2026) to meet legal UK limits and prevent damaging health impacts. To be legally compliant the SA should recommend the Plan includes a target date to comply with legally binding UK AQ targets.*

Arcadis Response: The assessment of effects on air quality is a key component of the SA. The effects of the plan components (e.g. policies and land allocations) on air quality are assessed individually and cumulatively against SA Objective 7, which is 'To maintain and where possible improve air quality'. The SA is further supplemented by an air quality assessment (AQA) undertaken by WSP. This is reported in the Sustainability Appraisal Addendum on Air Quality and Flood Risk, June 2020.

Appendix E of the Final Draft SA Report that accompanies the Submission of the Plan provides an assessment of site allocations proposed in the Plan. The assessments of the sites provide a prediction and evaluation of whether the potential development would maintain or improve air quality; exacerbate existing air quality issues including in AQMAs; and contribute towards a healthy living environment. Fundamental to the assessments against SA Objective 7 has been whether development at the site would be likely to lead to new traffic movements; new construction that has high emissions; an increase in energy consumption; and an increase in household or business associated emissions.

The assessments of site allocations against SA Objective 7 presented in Appendix E of the published SA Report are considered to remain accurate in light of the results of the detailed AQA prepared by WSP. For example, where slight adverse or moderate adverse effects have been predicted in the AQA at a human receptor, site allocations in the Plan that are in proximity to this receptor have been recorded in the SA as having a minor negative effect on SA Objective 7. The exception to this is IP214 which has been given a major negative effect due to its proximity to an area where air pollution is a significant concern with or without the Plan.

The SA has undertaken an assessment of the effects on air quality and there are no issues in terms of legal compliance with the *Assessment of Environmental Plans and Programmes Regulations 2004* (The SEA Regulations). The assessment has drawn upon the AQA as an evidence base which uses traffic data from the Suffolk County Transport Model and the following modelled scenarios:

- 2017 base year;
- 2026 without IBC Local Plan and with IBC Local Plan;
- 2036 without IBC Local Plan and with IBC Local Plan; and
- 2026 with IBC Local Plan and traffic mitigation.

The AQA modelled scenarios were designed to align with the transport modelling which factors in the Highways England RIS2 Strategy in terms of timings.

Specific mitigation measures are proposed throughout the SA to reduce air pollution. An example of this is in Table 3-1 of the SA Report which, under SA Objective 7 (air quality), recommendations relate to: the promotion of green infrastructure, access to bus services, electric vehicle

infrastructure, and promotion of walking and cycling measures. The Council has confirmed where these measures are incorporated into policy in the Plan. These measures are not time-bound and will come into effect as soon as the Local Plan is adopted, i.e. before 2026 as referenced in the comment. Such measures will assist the Council in meeting its targets with regard to air quality. The Council is aware of these targets and the relevant publications which include these targets are identified in Appendix A of the SA. These publications and targets have influenced the agreed SA appraisal methodology, the appraisals themselves and the mitigation measures proposed. It is not a matter of legal compliance against the SEA Regulations to make recommendations over and above these.

Comment 2: *The SA is not currently legally compliant as it fails to fully consider AQ-related issues. It fails to identify that:*

- 1. There has been no AQ assessment before 2026, when emissions from traffic are likely to be highest.*
- 2. The traffic modelling and the AQ assessment exclude the impacts of construction traffic (and construction itself) required to deliver the Plan. This is of particular concern for routes to/from the IGS during its long build-out, such as Norwich Rd and the A1214.*
- 3. There has been no assessment of the major construction impacts on AQ and traffic of the planned improvements to the Anglian Water Foulwater network (for transportation to Cliff Quay) required to meet planned growth and to connect the IGS to the foulwater system, including large off-line storage systems.*
- 4. New and improved infrastructure compliant with DfT Cycling Infrastructure Design standards (as evidenced by SCC Document E1 (page 11)) is required to deliver modal shift in and around the existing AQMAs; but this has not been specified in Table 8A.*
- 5. There has been no assessment of the impacts of higher emissions from increased rail freight traffic to/from Sizewell and Felixstowe docks, which are diesel-powered. Likewise, from the growth of the Port of Ipswich.*

The combined impact of these omissions on AQ (and the associated health impacts) is likely to be material. Therefore, the SA has not adequately influenced the Plan, as it fails to identify and address the issues raised above. The SA needs to be updated so that it specifically addresses these concerns and recommends measures to mitigate them where required. We also believe that the HIA also needs to specifically answer these concerns for it to be legally compliant and suggest that the Planning Inspectors might wish to consider this concern further.

Arcadis Response:

1. The SA has appraised air quality effects throughout the entire plan period. The methodology for appraisal (see Table 3-4 of the SA Report) identifies that effects will be appraised across the following timescales:

- Short-term effects reside for approximately 0-10 years after Plan adoption;
- Medium-term effects reside for approximately 10-20 years after Plan adoption; and
- Long-term effects last beyond the Plan period.

This clearly demonstrates that appraisal does consider the implementation of the plan prior to 2026.

2. The SA clearly includes appraisal of the construction stage of new development. There are numerous examples throughout the SA Report such as, in Appendix D, appraisal of Ipswich Strategic Planning Area Policies, which clearly makes reference to, *“It is considered to be likely that the construction and occupation of new homes in these locations would lead to a net increase in air*

pollution, such as that associated with road transport.”, or for Policy CS10 which refers to, *“the significant scale of construction and increase in local businesses and residents would be expected to result in a major increase in local rates of road traffic”*. In both such cases, the SA goes on to make recommendations for mitigation measures including relating to the construction phase. There are numerous other examples throughout the SA.

3. Ipswich Garden Suburb has been included in the relevant strategic level air quality modelling Air Quality Assessment (D339), which has informed the development of the plan. The outline consents for the Ipswich Garden Suburb were also accompanied by Environmental Statements, which will have assessed the necessary impacts. The impact of temporary works associated with the foul water improvements were addressed by Suffolk County Council at the hearing session.

4. Table 8A is a list of proposals in the Local Plan. The SA has made numerous recommendations throughout for the plan to incorporate high quality walking and cycling infrastructure to promote modal shift and combat air pollution. An example is in Table 3-1 of the SA Report, *“It is recommended that where pedestrian and cycling links are provided, careful consideration should be given to the safety of these routes, such as by not restricting cycle lanes to narrow strips on busy roads. High quality, attractive and safe routes, that could frequently tie in with the GI network, would encourage good rates of cycling and walking and this may be key to preventing further reductions in air quality.”*

5. Sizewell C is not a planned commitment. Alternative Scenario B in the SA is based on a high growth scenario across the Functional Economic Area, achieved in part by Sizewell expansion. The potential impact of Sizewell has therefore been assessed through this alternative scenario. In addition, Policy ISPA2 states that the Council supports the provision of increased capacity on railway lines for freight traffic. Policy ISPA 2 has been assessed. There are no planned planning commitments associated with the growth of the Port of Ipswich.

Comment 3: *We remain concerned that the SA has not identified the heavy reliance of the Plan on achieving 15% modal shift by 2026 and that it fails to recommend this be included as a target, supported by appropriate monitoring requirements.*

Arcadis Response: Achievement of modal shift is a key assumption of the AQA and consequently the SA which draws upon it. As identified above, the SA makes numerous recommendations which will support and encourage modal shift including: the promotion of green infrastructure, access to bus services, electric vehicle infrastructure, and promotion of walking and cycling measures. Table 3-13 of the SA Report is the Proposed Monitoring Framework. Under SA Objective 18 (To encourage efficient patterns of movement, promote sustainable travel of transport and ensure good access to services) the following effects are identified to be monitored:

- Reducing the need to travel, particularly by private motor car.
- Promotion of sustainable forms of transport including public transport, walking and cycling.

An example indicator to be used is given as

- Extent of the PRoW network and cycle paths: To increase the quantity and quality of pedestrian and cycle routes

No comments were made on this during consultation. However, it is normal for the choice of indicators to evolve over time if more appropriate indicators are identified.

Comment 4: *The SA has not considered the potential for land allocated to retail (including new Westgate and Mint Quarter retail sites) and car-parking to provide more town-centre homes, rather than build on green field land on Humber Doucy Lane. This should have been assessed as Spatial Option 3.*

Arcadis Response: Stage B2 of the SA is the development of options for the Plan. In the case of the Final Draft Ipswich Local Plan, this involves the development of strategic policies, development management policies and site allocations. For each of these elements, the Council has engaged in a lengthy and evidence-led process to arrive at the reasonable alternatives proposed in the Final Draft Plan.

There is no hard and fast rule as to what qualifies as a reasonable alternative in every case. It is typically an evaluative and qualitative judgement for the local planning authority. Should an option be considered to be clearly unreasonable then it would not constitute a reasonable alternative. This has been established in the case law, notably in *R (on the application of Friends of the Earth England, Wales and Northern Ireland Ltd) v Welsh Ministers* [2015] as follows where Hickinbottom J summarised the law relating to reasonable alternatives:

“iv) “Reasonable alternatives” does not include all possible alternatives: the use of the word “reasonable” clearly and necessarily imports an evaluative judgment as to which alternatives should be included. That evaluation is a matter primarily for the decision-making authority, subject to challenge only on conventional public law grounds.

v) Article 5(1) refers to “reasonable alternatives taking into account the objectives... of the plan or programme”. “Reasonableness” in this context is informed by the objectives sought to be achieved. An option which does not achieve the objectives, even if it can properly be called an “alternative” to the preferred plan, is not a “reasonable alternative”. An option which will, or sensibly may, achieve the objectives is a “reasonable alternative”. The SEA Directive admits to the possibility of there being no such alternatives in a particular case: if only one option is assessed as meeting the objectives, there will be no “reasonable alternatives” to it.

vi) The question of whether an option will achieve the objectives is also essentially a matter for the evaluative judgment of the authority, subject of course to challenge on conventional public law grounds. If the authority rationally determines that a particular option will not meet the objectives, that option is not a reasonable alternative and it does not have to be included in the SEA Report or process.”

It is the Council’s view that re-allocating sites from car parking or retail to housing would not provide sufficient land to meet the objectively assessed housing need of the Borough. In addition, there is a need to provide three-bedroom and larger forms of dwellings. The majority of the town centre sites are brownfield sites in high-density urban locations. These are unlikely to all be suitable for three-bedroom and larger forms of dwellings and would instead likely predominantly be flatted or smaller forms of housing. Therefore, this alternative would not meet identified needs and is thus not considered to be a reasonable alternative.