

CD 76 / SHOTLEY PPA 1

LAND AT FORMER HMS GANGES, SHOTLEY GATE, SUFFOLK

APPLICATION BY HAYLINK LTD

APPLICATION NO. B/03/01085/OUT, PINS Ref: APP/D3505/V/05/1185675

TOWN & COUNTRY PLANNING ACT 1990, S.77

**PROOF OF EVIDENCE
&
APPENDIX 2**

ON BEHALF OF THE SHOTLEY PENINSULA PARISHES ALLIANCE

BY

**DR W.G. LE-LAS
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1.0 INTRODUCTION

1.1 My name is Dr Wendy Grace Le-Las. I hold a B.A. (Hons) from the University of Sussex and a Ph.D from the University of Kent. From 1986-89 I was a member of the University of Oxford's Working Party on Environmental Ethics, which was concerned with decision making in the long-term interests of Man and the natural world. From 1990 until 2004 I held a Visiting Fellowship in the Durrell Institute for Conservation and Ecology at the University of Kent, and Honorary Lectureships in Law at the University of Kent and University College, London. To date I have over eighty publications in the field of planning and environmental law. I lecture regularly to university students, professionals and lay people on planning law and policy.

1.2 I am a Member of the Royal Town Planning Institute and a Fellow of the Royal Society of Arts, Manufacturing & Commerce. From 1990-2001 I convened the Planning Law Working Party of the U.K. Environmental Law Association. In 1998 the Secretary of State appointed me to the Radioactive Waste Management Advisory Committee. In 2004 I joined the Planning Inspectorate as a fee paid consultant but resigned in April 2005 to become a special advisor on planning law and policy to the Committee on Radioactive Waste Management (CoRWM).

1.3 Since 1990 I have acted as planning consultant to the National Association of Local Councils, which is the parent body of circa 9,000 parish, town and community Councils in England and Wales. At this inquiry I am representing Shotley Parish Council (PC), Chelmondiston PC, Ewarton PM, Freston PC, Harkstead PC, Holbrook PC, Stutton PC, Tattlingstone PC, Wherstead PC, and Woolverstone PC¹, collectively known as the Peninsula Parishes Alliance (Shotley PPA), to putting forward objections with regard to the proposed development at the former site of HMS Ganges, Shotley Gate.

¹ See CD 80, Appendix 1, Shotley Parish Plan 2005, p.10, Fig.2

2.0 The Planning History of Ganges/Shotley.

- 2.1 Within the Babergh 2nd Deposit Draft Local Plan (BDDLDP)² there is a disjuncture between the treatment of the Ganges³ site and the village of Shotley. The Shotley PPA maintains that they should have been treated as a single entity.
- 2.2 The history of the Ganges site is detailed elsewhere⁴. In terms of actual land-use, thus far, the Ganges site has been in institutional use with ancillary living accommodation. Shotley and Chelmondiston PCs were always concerns about traffic but the proposal for 404 retirement homes was more akin to keeping the site in institutional use because the occupants would not be commuting to work or participating in the school run. Therefore there would not be an adverse impact on the B1456 during peak hours. Furthermore the retirement community would provide a market for goods and services, and thus some employment for the local community.
- 2.3 Market housing is a very different proposition in terms of the need for employment, school places, leisure and health facilities. There would be a much greater impact on the peninsula as a whole, particularly with regard to peak hour traffic on the B1456. Therefore the Shotley PPA regrets the fact that the Ganges site has been included in the “Deemed Commitments” listed in Appendix 2 of Housing Topic Paper, August 2004⁵: it is understood that the rationale for this is that the application for the 404 retirement homes was in abeyance whilst the proposal for the 325 market homes was on the table. Notwithstanding the fact that, historically, people have lived on the site⁶, the Shotley PPA would argue that the two proposals are not interchangeable: it was improper for the site to be included in the Housing Land Allocation of the BDDLDP because sites, which may have been suitable for market housing, were relegated to the status of “omission sites” in the Inspector’s report. It is important to see the need for the site in context. The Inspector was sanguine about the Structure Plan requirement being met during the Plan period⁷. This will be assisted by a reduction in the number of new houses in Babergh District from 345 to 260 per annum⁸.
- 2.4 The three settlements that comprise Shotley⁹, along with all the other settlements on the peninsula, are restricted to small scale infill under policy HS02 because they have little in the way of facilities and services to support a larger population.

² CD25 May 2003

³ Former site of naval training base HMS Ganges

⁴ Babergh DC Officer’s Report to Development Committee, Wednesday 8th June 2005, Section 4 passim.

⁵ CD 28 Curiously the 150 houses on the Marina have been omitted from the list.

⁶ Ibid p.15 footnote 3, Definition of “Deemed Consent”

⁷ CD27 Inspector’s Report into consideration of objections to the Deposit Draft of the Babergh Local Plan, Alteration No.2, November 2005.

⁸ CD52 East of England Plan (Draft revision to the RSS) December 2004.

⁹ Appendix 1, op cit, p.9; a hamlet centred on the church, Shotley Street and Shotley Gate which abuts the site of HMS Ganges

Were parts of the Ganges site not categorised as *previously developed land*¹⁰, it would be classified as open countryside and minimum development allowed under the Suffolk Structure Plan (SP)¹¹ policy ENV6 and BDDL Policy HS04. It does not accord with PPG3 para.30 in terms of a sequential search for site development: it is not in an urban area, an urban extension or situated in close proximity to good public transport. With regard to PPG3 para.31: a sizeable increase in the Shotley population within a relatively short time would put a great strain on the community; jobs, shops and services are not readily accessible by non-car modes; transport, health and educational infrastructure are far from adequate.

2.5 RPG6¹² sums up the situation:

“Not all previously developed land is suitable for built development. The region contains a number of previously developed sites in rural areas, often originally in military use. Some are in isolated locations ...and are likely to perform badly against the criteria set out in paragraph 31 of PPG3.”

The non-accordance with PPG3 means that it is also contrary to PPG 13¹³, PPS 7¹⁴, and the emerging PPS¹⁵, not to mention SP Policy CS3(e) & (f). These factors should have been taken into consideration before including the Ganges site in the “Deemed Commitments” in the Housing Topic Paper¹⁶.

3.0 The Proposal in Relation to the Shotley Villages

3.1 The Shotley PPA considers that there would be an unacceptable increase in the population of Shotley Ward if this application was to be permitted. According to the Environmental Statement 2003 (ES)¹⁷, allowing for natural increase and the new occupants of the Marina, there would be a 58% increase if 500 houses were to be built, reduced to 42%¹⁸ if 325 houses were to be constructed. The possible stresses and strains on the existing community during the construction phase and in the first few years after completion are well documented in the Health Impact Study¹⁹.

¹⁰ PPG3 Housing 2000, Annex C, footnote 2.

¹¹ CD30 2001

¹² CD49, Regional Planning Guidance for East Anglia.

¹³ CD41, Transport 2001, Section 2, Housing,

¹⁴ CD39, Sustainable Development in Rural Areas, 2001, Paras.2 – 11 inclusive

¹⁵ CD37, Housing, 2005, Para.31.

¹⁶ CD28 op cit.

¹⁷ CD4 Paras 8.15-8.17

¹⁸ This was worked out on a pro rata basis, given that the actual figures were not supplied in CD4. this an other short comings in CD13 are dealt with by Mr Simon Hewitt's paper.

¹⁹ CD12 Health Impact Study 2004 p.2

- 3.2 In terms of the layout of the site, the Shotley PPA are opposed to the destruction of the sports ground, and would prefer housing to face Shotley Gate across the pitch. The general feeling is that the proposed development would form an inward looking settlement rather than knitting together with the existing community.
- 3.3 It is doubtful whether the proposed increase of 348 sq m. in retail floor space would have any meaningful impact on the desire of new and old residents to shop elsewhere, especially given that over 90% of the existing households have at least one car.²⁰, and there is no reason to suppose that the new residents would be without access to a car.
- 3.4 A valuable insight into present employment patterns is provided by the Shotley Parish Plan²¹. According to Fig.5, 45% are employed, 14% part-time employed and 10% are self employed. This translates into the following modal split in terms of travel to work²²:

○ Working from home	10.9%
○ Car, van, motorcycle	71.6%
○ Cycle	2.8%
○ Bus, minibus & coach	2.6%
○ Walk	7.5%
○ Train ²³	4.1%
○ Other	0.5%

Thus it seems unlikely that a substantial proportion of the economically active occupants of the proposed houses would be self-employed, staying home plugged into their computers²⁴.

- 3.5 The Parish Plan goes on to say that

“...there is little (Shotley based) employment. Self employment, commuting to work, distances and hours worked are all higher than the county average”²⁵.

As Shotley is at the extreme end of the peninsula, the journey time to Ipswich can take anything between 30 mins and 3 hours, which must add to the distance travelled and the length of the working day. The hope that Shotley could be linked to expanding employment opportunities in Harwich and Felixstowe via an improved ferry link can best be described as a *long shot*²⁶, made even less probable by the reduction in the number of houses, and thus investment²⁷. The

²⁰ Appendix 1, op cit, para.4.5

²¹ Ibid.

²² CD79 Developing a Local Strategy for the Shotley Peninsula, (DTX 31st March 2005)

²³ There are no rail lines on the peninsula so access must be gained by another mode.

²⁴ CD3, para.8.28

²⁵ Ibid.p.12

²⁶ CD3 para.5.22

²⁷ CD13. para5.5

Ganges proposal needs this link much more than the ports need that particular labour supply.

- 3.6 What proposals are there to staunch the daily commute to work? CD3 suggests 950 sq m. of B1 employment floor space. A reality check is provided by the Babergh Officers report²⁸. It would appear that this would generate only 13-14 jobs compared with an estimated no of 305 persons seeking work. The isolation of the site means that more floor space would not be viable.²⁹.
- 3.7 The people of Shotley , particularly the younger generation, need leisure facilities³⁰ e.g. the swimming pool. Even without a full audit of it's existing assets, it would appear that the Ganges site has much to offer but the current proposal does nothing to exploit these e.g. the playing field is to be built on and the gymnasium demolished. The provenance of the need for the proposed new cricket pitch³¹ is unclear, and it seems to have disappeared completely from ES 2004. Particulars of the proposed "clubhouse" are non existent. As the museum is no longer going to relocate, the site would become even less mixed than originally proposed. What is certain is that the offers that could be on the table under the s.106 agreement are insufficient to quell the opposition of the Shotley PPA to the proposal.

4.0 The Implications of the Proposal for the rest of the Peninsula

- 4.1 The area has a population of 8000 served by four GPs in two surgeries operating at Shotley and Holbrook. The current situation is inefficient and undesirable in terms of patient care. Clearly the advent of circa 1,100 more patients on the Ganges site and Marina sites would exacerbate existing deficiencies and any monies forthcoming as a result of a s.106 agreement would not remedy the situation because of lack of funding from the Primary Care Trust (Appendix 2).
- 4.2 As can be seen from Map 1 and the Shotley PPA DVD³², recent and prospective development on the peninsula will continue to add to the load taken not only by the main spine road, the B1456, but also the B1080 and the country lanes that straddle the peninsula.
- 4.3 For much of its length the B1456 runs alongside part of the Suffolk Coasts & Heaths AONB. According to PPS7³³, AONBs share with National Parks the highest status of protection in relation to landscape and scenic beauty. Upgrading this road could be contrary to this policy and SP policy ENV7.. The conservation

²⁸ Op.cit. para.6.46/7

²⁹ CD4 para.5.3.3

³⁰ Appendix 1, pp 36-42.

³¹ Officers report op cit. para.6.30

³² B1456 – A Road on Overload: Traffic Evidence from Shotley Parishes Alliance to Ganges Public Inquiry.

³³ PPS7 op cit, para.21

area of Woolverstone straddles this road. More traffic is deleterious to its heritage. Thus the requirement that conservation areas should be conserved or enhanced³⁴ would not be observed.

- 4.4 The B1456 is an inadequate artery across the peninsula, as illustrated by the Shotley PPA DVD:
- It is subject to serious, regular flooding close to the Orwell bridge;
 - Abulance response times are slow in the best of circumstances but flooding cuts off the peninsula completely;
 - Apart from the usual load of cars, buses and lorries, it is regularly blocked by wide-load agricultural machinery. This will be compounded by heavy traffic during the construction period;
 - The narrow carriageways mean cyclists traverse it at their peril;
 - Footways are narrow, if not non-existent, so being a pedestrian is hazardous;
 - Those living near the B1456 suffer from noise, both day and night
 - Properties, many of historic interest, are subject to pollution and vibration;
 - There have been 90 accidents in the last five years between the Wherstead roundabout and Shotley Gate. Maps 2 (a) & (b) and the accompanying tabulations reports give details of accidents from 2001-2005.
- 4.5 The ES 2003 is grossly defective in terms of spelling out mitigation measures as required by the 1999 EIA regulations³⁵ The Shotley PPA has doubts about the efficacy of green travel plans, and gives even less credence to a prospective ferry link. Congestion and accidents cause rat-running through the other country lanes on the peninsula. New residents on the Ganges site could also join the trail of commuters trying to access Manningtree station in order to get to London. Whatever the technicalities in terms of the capacity of the B1456, any further increase in amount of traffic would have grave environmental consequences for existing users and those living and working near it. The development is therefore contrary to PPG13³⁶ and SP policy T14.

³⁴ Planning (Listed Buildings and Conservation Areas) Act 1990, s.72, and PPG 15 1994, CD42 Planning and the Historic Environment, para.4.14.

³⁵ Any Environmental Statement should not only identify the environmental effects of a proposed development but should also deal with the proposed mitigation matters. Paragraph 5 of Part I and Paragraph 2 of Part II of schedule 4 to the Town and Country Planning (Environmental Impact Assessment) Regulations require the statement to include a description of the measures envisaged preventing, reducing and where possible offsetting any effects on the environment. Here, as well as not identifying impacts, the Environmental Statement is defective because rather than dealing with the environmental impacts it is proposed that some of these matters will be controlled by way of a Travel Plan, to be agreed at a later stage. It is therefore not clear what the mitigation requirements will be, and how this Travel plan can ever be implemented, or made to be implemented in such an isolated, unsustainable location. The failure of the Environmental Statement to stipulate these important mitigation measures is a fundamental flaw of the Statement and therefore planning permission granted in the light of such a statement is itself flawed and unlawful – see *Hereford Waste Watchers Ltd v Hereford Council* [2005].

³⁶ Op cit.

5.0 The Future

- 5.1 For all the above reasons this application should be refused. However the Shotley PPA recognises that the Ganges site has areas of previously developed land and, as such, should be redeveloped. The downsizing of the current application testifies to the difficulties of achieving sustainable development in a remote location. The hard realities in terms of the current travel to work modal split and current pattern of employment, as set out above, will not be easily converted into a new settlement functioning in a sustainable fashion³⁷. The Shotley PPA consider that Babergh District Council should formulate a Development Brief, taking into account not only the actual site but its relationship to the rest of the peninsula, so that any suggested uses realise the potential of the site without imposing deleterious consequences on surrounding community.

³⁷ibid, paras. 32-34, 37, 40-44.