

5 April 2018

P McIntyre Esq  
Executive Director  
Economy and Place  
Sunderland City Council  
PO Box 102  
Civic Centre  
Sunderland SR2  
7DN



Dear Mr McIntyre

**TOWN AND COUNTRY PLANNING ACT 1990 – HYBRID PLANNING APPLICATION FOR FULL AND OUTLINE PLANNING PERMISSION FOR LAND TO THE WEST OF THE A1290 AND NORTH OF NISSAN, WASHINGTON – PREPARED BY HENRY BOOT DEVELOPMENTS LIMITED (18/00092/HE4) – FORMAL OBJECTION**

This further objection is submitted on behalf of the Town End Farm Partnership ("TEFP").

TEFP made a formal objection to the above hybrid planning application for 'IAMP One' (the "Application") on 12 February 2018 (the "Initial Objection"). Lichfields responded to the Initial Objection in a letter to Sunderland City Council (the "Council") dated 15 March 2018 (the "Lichfields Response"). TEPF has instructed their consultant team to review and respond to the Lichfields Response to the Initial Objection. Below we set out our further serious concerns and objections to the Application arising in light of that review.

**Transparency and due process**

TEFP has noted the comments in the Lichfields Response relating to consultation, due process, comprehensive development, and interest from suppliers. TEPF does not accept the Lichfields Response and is continuing to take professional advice on these matters.

**Ecology**

The Lichfields Response continues to imply that the proposed ecological impacts are acceptable and that the proposed ecological mitigation is appropriate. TEPF does not accept the Lichfields Response for the reasons set out in the Initial Objection and the reasons below:

1. There are inaccuracies in the survey data on which the EIA for the Application is based e.g. failure to identify an area of magnesian limestone (a UK habitat of principal importance under NERC s41) habitat within the development area.



Hedley Planning Services  
Unit 3 Hexham Enterprise Park  
Burn Lane, Hexham  
Northumberland NE46 3HY  
t: 0191 580 5101  
e: [enquiries@hedleyplanning.co.uk](mailto:enquiries@hedleyplanning.co.uk)  
w: [hedleyplanning.co.uk](http://hedleyplanning.co.uk)

2. There has been a failure to adequately survey and assess impacts on the aquatic environment (including but not limited to fish and aquatic invertebrates which are likely to include NERC s41 species), specifically the River Don which will receive surface water flows from the Application site. Given the confirmed presence of water vole and otter on the River Don within proximity to the Application site then these legally protected species are also likely to be either directly and/or indirectly impacted by changes in both surface water flows and water quality including urban runoff, oil contaminants, and slats from car parking areas. The applicant states that 'Surface water on site will be managed via a number of attenuation ponds that enable water quality to be maintained'. However attenuation ponds are designed to regulate surface water flows; not water pollution.
3. There remain ongoing concerns regarding disturbance impacts on otters and water vole, with the applicant referring to a conditioned Habitat Management Plan (HMP) that will include proposals and measures to be agreed with the Council to "restrict and minimise public access to areas of ecological sensitivity, in order to minimise disturbance from humans, lighting and noise during the operation of IAMP ONE". With no details provided regarding the nature or extent of such controls, there can be no conclusions drawn regarding their suitability or effectiveness.
4. The applicant has stated that the Application is consistent with SEPA Guidance which states that 'a 2m buffer is the minimum provision that should be considered'. This guidance is not applicable for sites where development and associated construction works is proposed but relates to the long-term management of rivers in agricultural landscapes. The guidance states that General Binding Rule 20 requires a buffer strip at least two metres wide to be left between surface waters and wetlands and cultivated land. It goes on to state that:

*"One of the most important factors to consider in the design of a buffer strip is how wide it should be. The width is mainly dependant on the objective (erosion control, diffuse pollution mitigation, habitat restoration) and the conditions at the site where it is to be used.*

*...*

*Buffer strip for wildlife benefit*

*A strip of at least 10m is recommended; generally speaking, the wider the buffer strip the more beneficial it is for wildlife. As above, the exact size will depend on:*

- site situation;*
- what wildlife already exists at that location;*
- how land and existing vegetation is currently managed;*
- any links to the wider countryside or other buffer zones."*

There are numerous examples of much wider buffer zones than the Application proposes being adopted. For example, Forestry Commission advice<sup>1</sup> is that the riparian buffer should reflect stream size and the natural dimensions of the riparian zone. Minimum widths for either side of the stream channel are:

- 5 m for streams <1 m wide
- 10 m for streams 1 - 2 m wide
- 20 m for streams >2 m wide.

Where the natural riparian zone exceeds these widths, the dimensions of the buffer area should be increased, up to twice the minimum recommended width.

---

<sup>1</sup> <https://www.forestry.gov.uk/fr/inf-d-6mvk4u>

5. There remain significant concerns regarding the capability of the proposed offset area to deliver the ecological gains proposed. In reality, the offset is an area of agricultural land, which is currently managed in accordance with environmental stewardship principles, and which will continue to remain in agriculture management after development. The applicant uses the opaque phrase management of the land will be 'steered by entry and higher-level Countryside Stewardship principles'. As such there can be no guarantee that the conservation value of the land will be any different from its current value. There remains real doubt as to whether the proposed EMLA will:
- be delivered as part of the planning application;
  - result in net biodiversity enhancement of to its current condition;
  - offset the adverse ecological impacts resulting from the proposed development, which include net greenspace loss.
6. There remain significant concerns regarding the impact on breeding, passage and overwintering birds. Given the scale of habitat loss within the Application site, it is predicted that the impact on breeding, passage and overwintering birds would be significant and require mitigation. However, the EIA states that: Pg 27: *"Impact on Breeding, passage and Overwintering Birds: given their mobility, birds will be displaced and take up residence in neighbouring areas, so impacts are reversible in short to medium term."* This assessment takes no account of the fact that overall there will be a net loss of suitable habitat for breeding, passage and overwintering bird species (including species identified as national priority), and it assumes that other habitat is present and available within proximity to the site with no assessment of the location of such land, its current use by birds and whether this land is currently operating at its maximum carrying capacity for these species. It cannot be assumed that the EMLA land will provide the scale or level of mitigation required to off-set impacts on bird populations, as there is no assessment of current bird populations on the EMLA and how these will change as a result of the proposed habitat enhancement works.
7. In relation to the offsite and boundary impacts of upgrading services, the applicant has stated that *"IAMP LLP is committed to the delivery of substantial infrastructure and the upgrading of existing services as explained earlier in this letter. All effects arising from the delivery of the IAMP ONE project as defined in the project description have been assessed accordingly as described within the ES. The likely effects have been assessed in accordance with the project description including the provision of services and ancillary infrastructure."* Notwithstanding this statement, these impacts do not appear to be addressed in the ES.

### **Drainage**

TEFP does not accept the Lichfields Response in relation to drainage and flood risk issues.

The previous items raised in the Initial Objection have yet to be responded to allow the concerns raised to be allayed. The items raised included the evidential requirements for discharge restrictions and outfall locations from the Council, as Lead Local Flood Authority, and the Environment Agency.

The Lichfields document '*IAMP ONE Planning Application – Response to Comments by the Town End Farm Partnership*' did not provide a clarifying response to Flood Risk and Drainage items raised. The response stated advised '*Information to clarify queries raised by the Environment Agency and Local Lead Flood Authority is currently being prepared. We will provide a response to queries raised, as well as queries raised by HPS, shortly*' – that response is still outstanding.

The SYSTRA document '*IAMP ONE – FLOOD IMPACT NON-TECHNICAL STATEMENT*' provided a simplification of the design but, again, does not provide a response to the concerns raised. Of particular importance is to understand how the site surface water drainage system and attenuation pond works in correlation to the

compensation storage from the River Don. The two aspects of design should not be independent and an integrated design should be provided to ensure both site and off-site flood risk has been appropriately mitigated.

In addition, we note that there appear to be inconsistencies in regard to numerical information provided between this statement and earlier design information. Consistent numerical information should be provided, again, to ensure both site and off-site flood risk has been appropriately mitigated.

## **Highways**

TEFP does not accept the Lichfields Response in relation to highway safety and delivery. The Initial Objection raised seven points in relation to highway safety and delivery, which are addressed in the Lichfields Response. These points and the Lichfield response are replicated below, with additional comments from TEPF.

1. **TEFP Comment:** The methodology adopted in the forecasting of development generated vehicular trips, contradicts the approach that the Council insisted was appropriate during the formulation of policies contained within the IAMP AAP (with no justification for the change in approach or comparison of results).

**Lichfields Response:** The approaches adopted to forecast trip generation are appropriate for each respective purpose. The trip rate methodology for the IAMP AAP reflected the broader range of possible end users across the whole of the IAMP site, whereas the methodology for the IAMP ONE planning application reflects the demand likely to be generated by motor manufacturing suppliers; the envisaged occupants of this first phase of IAMP.

The methodology used to forecast IAMP ONE development trips was agreed with the local highway authority and Highways England and we note was also adopted by the TEPF planning application (LPA ref: 16/01341/HE4).

**TEFP Response:** These trip rates were indeed adopted by the TEPF planning application (LPA ref: 16/01341/HE4) and were subsequently criticised by Lichfields (on Page 19 of their 'Town End Farm Partnership Appeal: Statement of Case of Sunderland City Council' document) as forming a "flawed" methodology. It is difficult to see how Lichfields can justify overlooking the "obvious discrepancy" that they previously took issue with and promote the use of this methodology in relation to the IAMP One planning application.

2. **TEFP Comment:** Traffic surveys conducted during 2015 have been used to represent existing baseline operational conditions on the local highway network, which will be more than 3 years old by the time of likely **consideration** by the LHA. The traffic surveys were also conducted in mid March, which is not technically a neutral traffic period in accordance with the definitions set out in both DMRB and WebTAG.

**Lichfields Response:** Traffic surveys from 2015 are not presented as existing baseline operational conditions. Existing baseline operational conditions on the local highway network consider a baseline year of 2018 using appropriate traffic growth factors, as outlined in Section 4.3 of Chapter L (Access and Transport) of the IAMP ONE Environmental Statement and Section 7.2 of the Transport Assessment.

TEFP's criticism regarding the appropriateness of traffic surveys conducted in March has been addressed extensively as part of the IAMP AAP process, with additional evidence presented to demonstrate that the traffic data is from a 'representative' month and is consistent with a typical, neutral, daily flow. It is not an issue deserving of being re-opened.

**TEFP Response:** The application of traffic growth (to represent a future design year) merely increases the global volume of traffic under consideration by the Council's transport consultant. One of the fundamental reasons for ensuring that recent and representative baseline flows are captured (prior to beginning a traffic forecasting exercise) is to ensure that the turning profiles and subsequent distribution of vehicles throughout the network is as accurate as possible.

Various concerns were indeed raised in relation to the IAMP AAP at the Examination in Public, however, the additional evidence presented did not satisfactorily appease these concerns (as was documented at the time). In light of the fact that the consideration of this planning application forms a completely separate process to the IAMP AAP Examination in Public, it is our opinion that we have every right to raise these concerns again. TEFP would appreciate an appropriate level of consideration from the Council's representatives, during the determination of a major planning application, rather than issuing dismissive responses such as the one above.

3. **TEFP Comment:** The Transport Assessment ("TA") considers committed development in the local area, however, it provides no consideration of the phasing of wider IAMP development up to 2028 (i.e. the future design year) and the traffic generation that may be likely by this time.

**Lichfields Response:** Committed developments included within the TA were agreed with the local highway authority and South Tyneside Council. It is not appropriate for the TA to consider the traffic impact of the wider IAMP development, which includes significant highway mitigation that will influence how traffic routes on the network. The wider IAMP development will be subject to a separate Development Consent Order application, accompanied by a detailed environmental statement, which will consider IAMP ONE as a committed development, if planning permission is granted.

**TEFP Response:** The IAMP AAP is adopted policy to guide the development of the DCO site over the 15 year period between 2017 and 2032, the traffic generating impact of which should be given consideration within the IAMP One TA. The Council tests the operation of the surrounding highway network during a future design year of 2028 (i.e. only four years prior to the end of the AAP period) in the TA, without giving any due consideration to the traffic generating potential of the remainder of the IAMP site which will have been developed by this point or the infrastructure improvements which will have been delivered as part of the proposal. The Council has previously submitted its evidence base as part of the IAMP AAP and is, therefore, more than capable of replicating the levels of forecast traffic, the effects of infrastructure improvements and subsequent dynamic re-assignment of trips that this will result in. It is fundamentally incorrect to suggest that following standard Transport Assessment due process is not appropriate.

4. **TEFP Comment:** The methodology adopted in the forecasting of background traffic growth, contradicts the approach that the Council insisted was appropriate during the formulation of policies contained within the IAMP AAP (with no justification for the change in approach).

**Lichfields Response:** The matter of background traffic growth was addressed extensively as part of the IAMP AAP. Additional explanation was provided within post-Hearing correspondence with TEFP on Matter 6 (Infrastructure Transport and Access) and the approach to traffic growth within the TA is consistent with the Council's response on this issue.

The development of IAMP in full will result in significant traffic growth locally and a redistribution of traffic movements on the network will also occur, therefore the additional application of background traffic growth was not appropriate for the IAMP AAP assessments. However, traffic generated by IAMP ONE would not be significant enough to represent traffic growth on the wider road network and as such, it is appropriate that background traffic growth is included within the IAMP ONE assessments.

**TEFP Response:** Various concerns were raised in relation to the IAMP AAP at the Examination in Public, however, the additional evidence presented did not satisfactorily appease these concerns (as was documented at the time). In light of the fact that the consideration of this planning application forms a completely separate process to the IAMP AAP Examination in Public, it is our opinion that, once again, we have the right to raise these concerns. TEFP doubt the appropriateness of the adjusted growth rates to accurately represent future operational conditions on the surrounding highway network in 2028 (especially given the fact that the Council is also effectively neglecting the impact of the wider IAMP site during this future design year).

5. **TEFP Comment:** The junction modelling exercise presented within the TA demonstrates that a number of the intersections under consideration are currently operating above capacity (and likely still would be even if a theoretical adjustment is made to synthesise MOVA control). On the basis of the presented modelling results, they are not capable of supporting any additional traffic demand without significant infrastructure upgrades which will not be delivered prior to 2021 at the earliest.

**Lichfields Response:** It is not clear which specific intersections are being referred, however, in instances where junctions are already operating above capacity, consideration has been given to the resultant impact on queue lengths. In all cases, the addition to queue lengths resulting from IAMP ONE traffic does not give rise to safety concerns and the impact is therefore not severe, as explained in the Transport Assessment.

**TEFP Comment:** A number of intersections within the study area are presented as operating significantly over capacity in the existing scenario (even before IAMP One traffic is added to the network). It remains our opinion that on the basis of the presented modelling outputs, these junctions are not capable of supporting the additional traffic forecast to be generated by IAMP One without resulting in severe harm (in accordance with the National Planning Policy Framework) to the efficient and safe operation of the surrounding highway network.

6. **TEFP Comment:** The TA demonstrates that even with the modest mitigation scheme proposed by the Council, the A19/A1290 Downhill Lane junction will not be capable of supporting the quantum of development generated traffic flows during periods of peak demand on the network in the designated design year (with average queue lengths on the A19 northbound off-slip forecast to exceed 340m in length, which will likely equate to maximum queue lengths in the region of approximately 500m at critical times, thus extending back onto the A19 mainline and resulting in concerns over the safe operation of the strategic highway network).

**Lichfields Response:** The operation and assessment of the A19/A1290 Downhill Lane junction has been discussed extensively with Highways England as part of the IAMP ONE Consultation Exercise. The assessment of this junction was undertaken using a specific junction modelling approach to allow the impact of the proposed mitigation to be quantified and results compared. Section 8.4 of the TA explains this methodology and explains how queue lengths should be considered holistically across the junction - it is not appropriate to consider the A19 north-bound off-slip queue lengths in isolation.

During pre-application discussions, Highways England outlined that queue lengths extending back onto the A19 mainline will not be acceptable on safety grounds. Highways England have undertaken a comprehensive review of our assessments and are satisfied, subject to conditions, that the junction is capable of supporting the traffic generated by IAMP ONE.

**TEFP Response:** The performance of the A19/A1290 Downhill Lane intersection, following implementation of the Council's proposed mitigation scheme, is documented as operating well above the 90% reserve capacity threshold commonly used to assess the appropriateness of a junction's

performance. The presented results illustrate that the upgraded junction will operate only just below the 100% theoretical capacity threshold (however this is on the basis of adopting the supposedly “flawed” trip generation figures, the use of which Lichfields have gone on record as stating provide results that “are not an appropriate representation of operating conditions” in relation to traffic impact).

For clarification; we have not considered the operation of the A19 north-bound off-slip in isolation (this is merely one example of where the TA draws a misleading conclusion from the information presented within the technical analysis).

7. **TEFP Comment:** The TA incorrectly concludes that the surrounding network, subject to the proposed mitigation on the A1290, can accommodate the additional traffic generated by the development without significant queuing or delay and that the impact of development traffic on the road network will not be severe.

**Lichfields Response:** Section 8 of the TA provides detailed operational capacity assessments on the surrounding network to allow the respective highway authorities to determine the traffic impact of IAMP ONE. It is maintained that with the identified mitigation in place, the impact of IAMP ONE development traffic on the road network will not be severe, in accordance with the National Planning Policy Framework (NPPF).

**TEFP Response:** Section 8 of the TA presents the results of detailed traffic modelling, which illustrates that a number of intersections within the study area are operating significantly over capacity in the existing scenario (without IAMP One generated traffic). It remains our opinion that on the basis of the presented modelling outputs, these junctions are not capable of supporting the additional traffic forecast to be generated by IAMP One without resulting in severe harm (in accordance with the National Planning Policy Framework) to the efficient and safe operation of the surrounding highway network. The conclusions drawn within the TA are fundamentally incorrect in our opinion and, as such, we maintain our objection to the development proposal on the grounds of highway safety and delivery.

## Summary

We again demonstrate that the Application proposals are fundamentally deficient. They would result in an increase in queue lengths on the road network which would present a severe impact during peak periods. This results in a highway safety concern, contrary to AAP Policy T1, UDP Policy T14 and draft CSDP Policy CC5. Additionally the Application Proposals fail to deliver the required ecological mitigation contrary to AAP Policies S1, EN2, IN1 and Del2, draft CSDP Policy CS7.7, UDP Policies CN18, CN22, and CN23 as well as paragraphs 109 and 118 of the NPPF.

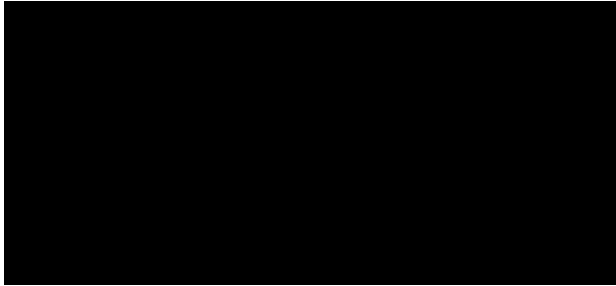
## CONCLUSION

We remain of the view that the IAMP One scheme serves only to prevent the delivery of units on TEF land and in an anticompetitive manner. We consider that it is appropriate that any proposals for an IAMP One scheme be referred to the Secretary of State and determined jointly with development proposals for the TEF land. As such, we consider it inappropriate for any IAMP One application to be determined by the Council as local planning authority.

Overall, the Application represents a departure from the IAMP AAP and conflicts with the UDP, draft CSDP and NPPF. Ultimately, the IAMP One Proposals would prejudice IAMP and the delivery of a project of national significance. TEF has serious and fundamental concerns relating to the proposals and they do not consider that the issues could be addressed through planning conditions or a Section 106 Agreement. Therefore the Application should be refused by the determining authority.

TEFP is continuing to take professional advice on the IAMP One proposals and may make further comments on the Application during the determination period.

Yours faithfully



Sean Hedley BA (Hons) Dip TP MRTPI  
Director  
Mobile: 07725 834338  
Email: [sean@hedleyplanning.co.uk](mailto:sean@hedleyplanning.co.uk)

Cc: A Watson Esq  
P Razaq Esq, Town End Farm Partnership