

THE FELIXSTOWE BRANCH LINE AND IPSWICH YARD IMPROVEMENT ORDER

SUMMARY PROOF OF EVIDENCE

of

Ian Gilder MA, MRTPI, FRSA

Planning & Transport Policy and Conditions



Port of Felixstowe



1 INTRODUCTION

1.1.1 My name is Ian Gilder and I am Head of Planning at Environmental Resources Management (ERM).

1.1.2 My evidence to this Inquiry addresses the extent to which the Scheme proposed by FDRC, the Promoters, is consistent with national, regional and local planning and transport policies. I also deal with the application for deemed planning permission, the proposed conditions and the related draft Code of Construction Practice. My evidence is directed particularly to these two specific questions posed in the Secretary of State's Statement of Matters for the Inquiry. This is a Summary of my main Proof of Evidence (App/41) and Appendices (App/43).

2 *NATIONAL, REGIONAL AND LOCAL PLANNING AND TRANSPORT POLICY*

- 2.1.1 The Scheme has already, in effect, had the endorsement of the Secretary of State, in that it is an integral part of the Felixstowe South port expansion, approved in February 2006. The Section 106 Agreement (**CD/1**) includes a commitment by the Promoters to upgrade the Felixstowe Branch Line between Trimley and Nacton as an integral part of that permission to expand the capacity of Felixstowe Port.
- 2.1.2 That being said, I have set out, in evidence, how the Scheme will help to meet the UK's ports objectives in Modern Ports: A UK Policy and accords with the sustainable transport objectives in successive Transport White Papers and PPG13. The scheme will support national policies and the provision to increase the movement of freight by railway which is necessary for success of the Government's objectives in Transport 2010: The 10 Year Plan and the 2005 Statement on Rail Freight Policy.
- 2.1.3 It will also contribute to the securing the objectives of other relevant national policy guidance on planning and the environment, in particular, PPS1 and the General Principles. It conforms fully with the requirements of PPSs 7, 9 and 23 and PPGs 15, 16 and 24, which protect the environment.
- 2.1.4 The Scheme will help to deliver the policies in the East of England Draft Plan and the Proposed Changes, in particular, policies T1 and T4.
- 2.1.5 The Scheme will contribute to achieving the Suffolk Structure Plan rail freight policy T6 and accords with the relevant environmental protection policies in the Structure Plan and those in the Suffolk Coastal and Ipswich Local Plans.

2.1.6 The proposed footpath and other street closures in the Order are necessary for operational and safety reasons. The powers in Article 8 are essentially the same as local highway and planning authorities have to extinguish or divert rights of way, including those which cross railways. In the case of each permanent closure proposed, the Promoters have identified a satisfactory diversion or alternative. Draft planning condition 13 reinforces their commitment to defer such closures until the latest possible date. The proposals for the provision of diversions and alternatives meet, as far as possible, the tests in paragraph 34 of Circular 2/93 and meet the requirements of the Highways Act.

2.1.7 My evidence is that the Scheme is 'consistent with national, regional and local planning and transport policies' [Statement of Matters 2]. It is also consistent with relevant national, regional and local environmental protection and rights of way policies.

3 THE PLANNING DIRECTION, CONDITIONS AND CODE OF CONSTRUCTION PRACTICE

3.1.1 Felixstowe Dock and Railway Company (FDRC), has applied for a direction from the Secretary of State that planning permission be deemed to be granted for the development contained in the draft Order. Following the decision to amend the Order application in May 2006, the Promoters need to make minor amendments to the Request and to Appendix 1. These amendments have been set out in **Appendix IMG2** (App/43).

3.1.2 I have provided a statement of Design and Access Principles in **Appendix IMG3** (App/43). This meets the requirements for design and access statements, introduced after the order application was made, in the Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2006.

3.1.3 I have set out a revised set of draft planning conditions, which have been discussed with the local planning authorities and the Environment Agency. I have made amendments to address their concerns and to meet most of the concerns raised by the Environment Agency. The revised draft conditions are in **Appendix IMG4** (App/43).

3.1.4 The Code of Construction Practice (CoCP) defines the minimum standards of construction practice acceptable to FDRC. The revised draft CoCP has been included as **Appendix IMG5** (App/43). It incorporates changes agreed, to date, with Network Rail, Suffolk Coastal District Council, Ipswich Borough Council and the Environment Agency. The Contractor and sub-contractors implementing the scheme will be required to comply fully with the terms of

the Code and will also have to meet the environmental standards set by Network Rail.

3.1.5 I have set out the justification for the Planning Direction and that the planning conditions proposed meet the tests in Circular 11/95. [Statement of Matters 3].

4.1.1 I have set out in my evidence how the Code of Construction Practice will deal with the concerns expressed by individual objectors. The use of codes of this sort is a well established practice on major infrastructure and development projects. The Code is enforceable through the construction contract, but also, were it to be necessary, by the local planning authority as a breach of condition.

4.1.2 The detailed provisions of the Code have already been discussed with the local authorities and they are generally satisfied that these provisions are appropriate and will be effective in minimising the adverse impacts on the amenity of residents, businesses and the environment during construction.

5.1.1 My evidence is that the Scheme conforms fully to national, regional and local transport and planning policies.

5.1.2 I have submitted minor amendments to the Request for Planning Permission, the Elements of Development and revisions to the proposed Planning Conditions and ask the Secretary of State to grant the deemed planning permission necessary for the Scheme, incorporating those amendments and subject to the revised planning conditions.