

Statement by Cllr. John Mason

"Representation ID: 26068

Document: Rochford Core Strategy Development Plan Document - Schedule of Changes

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Support/Object: Object

Rochford District Residents is a Registered Political Party

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Mr. Shaun Scrutton
Head of Planning and Transportation
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Council Offices
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Dear Mr. Scrutton

Public Consultation

Have your say on changes to the Core Strategy

The revocation of the East of England Plan has provided an opportunity to reconsider the Submission version of the Core Strategy.

Since then the "Cala Homes" case has been determined by the Courts.

This is my personal analysis of the position in Rochford District vis a vis the decision of the Courts for Cala Homes and, presumably, Colonnade, who named RDC into their action.

* The amendment to the Core Strategy represents, we were told by RDC at Full Council, was a real REDUCTION in the number of houses that were to be imposed under the RSS Housing Targets.

* The authority for the change or rather REDUCTION by RDC was cited as the revocation of the RSS in the Statement sent to the Planning Inspector in July.

* So if the authority for the change is not lawful yet then so is the proposition for the changes which are now being consulted upon.

* The publication of a Bill changes nothing, such changes can only lawful

on Royal Assent and this will not be before the end of the Consultation (30 November 2010) or the beginning of the re-opening of the Public Examination which the Planning Inspector has indicated will be in January 2011.

* Technically it must be UNSOUND if the Amendments are considered by the Inspector before Royal Assent because conceivably in a democracy and the fragility of an untried Coalition the Bill may not be approved in the passage required through both the Commons and the Lords.

Mills and Reeve are a respected planning law firm.

Please consider my comments above in the light of their publications below.

<http://www.plan-it-law.com/2010/11/cala-homes-dclg-reaction.html>

<http://www.plan-it-law.com/2010/11/cala-homes-restore-regional-spatial-strategies.html>

I believe that much of what is said supports my own view in the particular context of RDC's current Consultation and it being within the process and period of a Public Examination.

In any event from the significant number of critical, objecting representations from professional developers, landowners and residents (stakeholders) both in Consultations and at the Hearings it was hoped that the amendment to the Core Strategy (CS) at this stage would fully respond to these concerns and change the CS in many significant ways.

The expectation for significant change is further evidenced from the Council itself !!

"Whilst the Government imposed numbers identified in the East of England Plan for Rochford were informed by consideration of projected need and demand, though accepting that Rochford is not an appropriate location for housing growth, it is not clear that full account was taken of the relationship between Rochford District and surrounding areas (particularly within the same housing market area), concerns with regard to sustainability, and the array of environmental and physical constraints the District is subject to. This point is further emphasized in the findings and conclusions in draft RSS31, which proposed a reduced annual provision for Rochford." [Source: Portfolio holder written briefing to Hockley Parish Council, October 2010]

(There is no formatting on the Council's online consultation system so I will have to extract pertinent phrases to create the necessary emphasis so that the Council and the Planning Inspector can follow the point being made.)

"it is not clear that full account was taken of the relationship between Rochford District and surrounding areas"

This is evidence that a further full evaluation of the housing needs for

the district was necessary to determine the total housing quantum required.

All the Council has done is essentially undertaken a review on the back of an envelope and just spread that total over a longer period without any acceptable evidence.

I recall that the Planning Inspectorate in guidance has reminded Inspectors that upon revocation of the RSS that Councils must still provide appropriate evidence to substantiate any amendments to the CS.

This was the reason that Councillor Hoy and I asked Council by Motion on 27 July to commission a local housing needs study.

This was rejected by Council citing that the evidence from the TGSE studies was to be relied upon and no additional study was necessary.

In the motion particular reference was made to the assessments of affordable housing in the SHMA 2008 and 2010 required for the district. Both the 131 pa and 196 pa assessments have now been rejected by the Council in favour of 60 pa.

Having read the Topic Papers and supporting studies prepared by the Council for the Planning Inspector I cannot see that there is acceptable evidence that the SHMA figures should be rejected and neither is there any acceptable evidence that the chosen figure of 60 will meet housing needs for affordable housing.

For these reasons the amendments to the CS are UNSOUND.

There is further evidence that I would wish to bring to the Council's attention which confirms that the Council's view that the Submission version of the CS even prior to amendment was UNSOUND. None of these concerns have been addressed in the amendment.

"Essex County Council commissioned Planning Consultants "Tribal" and "Tym & Partners" to carry out a sustainability study as part of their evidence base to EERA the result of which is unequivocal.

They said "With respect to the RSS Scenario", that is the one that we are working on now, "The sub area would struggle to deliver this, the problems would therefore only increase for the NHPAU range". Risk of flooding, risk of coalescence, heavy peak time congestion on rail lines, there are no sustainable transport options for any level of growth, even at RSS. Not my words but a statement direct from the experts." [Source: Portfolio holder written speech to Rochford District Council, 9 September 2009]

Whilst this undoubtedly is aimed at the previous proposed extension of 250 per year from 2026 to 2031 (now 190 pa and no growth) I contend that the warnings about "Risk of flooding, risk of coalescence, heavy peak time congestion on rail lines, there are no sustainable transport options for any level of growth" states that there were sufficient concerns from the

Portfolio Holder about these factors that one might expect to see special consideration in the original CS and the amended position. I contend that the line between acceptable to unacceptable based on the difference between 250 and 190 pa cannot possibly be that sharp and defined and that these concerns show that the Submission version of the CS was already UNSOUND.

"It is clear to me that we do indeed need more homes, more jobs, more infrastructure, more of everything; I am however not comfortable with the statistics that we have had thrust upon us. That is my one and only concern."

This was said in the context of "A Conservative Government will abolish regional planning, revoke all regional spatial strategies (including regional building targets) and repeal the National guidance that relates to regional planning thus returning power to Local Communities."

To emphasise I would draw your attention to "I am however not comfortable with the statistics" and "That is my one and only concern" in the context of revocation of "all regional spatial strategies (including regional building targets)"

That is further evidence that the Council considers that the evidence behind the CS is UNSOUND.

I have the following additional reasons why the CS remains UNSOUND at this amendment.

1. The Core Strategy is unsound because proposals to build on the Green Belt have not been properly evaluated and are contrary to government policy.

There is no actual evidence that the Council has undertaken a comprehensive and detailed (in planning terms) comparative assessment of the impact of the CS Locations, in that they are identified for places of housing growth, in terms of the impact on green belt, the effect on the landscape and highways.

- a) Para 4.23 of the published Core Strategy states that the Council will prioritise the redevelopment of brownfield sites to minimise green belt release.

- b) This is still not the case in the amended proposals under consultation, which results in 67% of new dwellings being sited on greenbelt land and any windfall sites will be too late to save green belt that has already been built on.

- c) The two proposed new industrial sites will also be relocated to Green Belt land which in itself is the only way that any significant brownfield will be allocated for housing development. This is not a true release of

brownfield because it is a policy which is a thinly veiled cynical sham. Adjusting the real position for this means that, effectively, 89% of all development proposed in this CS is on green belt.

d) The Locations East Ashingdon and West Rochford fall within the highest classifications of Agricultural Land, Grades 1 & 2.

e) A map showing agricultural land classification is available on page 61 of the Strategic Environmental Assessment Baseline Information Profile.

f) As such each have protection under PPS 7, paragraphs 28 and 29.

g) 28. The presence of best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification), should be taken into account alongside other sustainability considerations (eg biodiversity; the quality and character of the landscape; its amenity value or heritage interest; accessibility to infrastructure, workforce and markets; maintaining viable communities; and the protection of natural resources, including soil quality) when determining planning applications. Where significant development of agricultural land is unavoidable, local planning authorities should seek to use areas of poorer quality land (grades 3b, 4 and 5) in preference to that of a higher quality, except where this would be inconsistent with other sustainability considerations. Little weight in agricultural terms should be given to the loss of agricultural land in grades 3b, 4 and 5, except in areas (such as uplands) where particular agricultural practices may themselves contribute in some special way to the quality and character of the environment or the local economy. If any undeveloped agricultural land needs to be developed, any adverse effects on the environment should be minimised.

h) 29. Development plans should include policies that identify any major areas of agricultural land that are planned for development. But local planning authorities may also wish to include policies in their LDDs to protect specific areas of best and most versatile agricultural land from speculative development. It is for local planning authorities to decide whether best and most versatile agricultural land can be developed, having carefully weighed the options in the light of competent advice.

i) Where in evidence did the Council obtain "competent advice"? In the absence of this two Locations must be removed from the CS and as such it is UNSOUND.

j) The older component of our population is said in the Council Paper presented on 14/10/10 to be a block on the release of "previously owned homes" and yet the Council has no proposals to release the blockage by requiring the provision of smaller homes in developments like Coachman's Court (Rochford, Sheltered/wardened Flats for over 55's). If this were part of the Core Strategy then much less green belt would need to be released.

2. No justification or consultation regarding how the proposed total of 3,800 new homes been calculated. The Council turned down a motion from two Members in this regard.

There is now no proposed development proposed for Rayleigh over the first 15 years yet, according to the published Core Strategy (para 2.38 page 30), the greatest demand for housing is in Rayleigh at 44.4% of the District's total. There is something wrong here.

3. Lack of appropriate infrastructure and distributed approach negates economies of scale. Existing 'back of a fag packet' [RDC/ECC quote] estimates of £50-75M are unsubstantiated (and could increase) but still equate to £14/21K standard charges per dwelling. Is this viable, particularly for "Affordable Housing" and the plan sustainable?

4. Development proposals for the first phase are concentrated in the centre of the district where the infrastructure, based on historical country lanes, cannot cope with existing traffic - there are a number of bottlenecks across this part of the District and being systemic in nature will not be improved by the relatively small improvements provided by the developments proposed.

a) There is no evidence that the consolidated impact of all the various developments on highways has been assessed.

b) Proposed phasing will focus initial developments in the centre of the district (Hockley/Ashingdon/ Hawkwell/Rochford) but delay access road improvements in West of district until end of programme resulting in road chaos for years.

c) No consideration appears to have been given to mapping highways improvements to the housing phasing. As with other environmental issues, the capacity of the highways network should be assessed formally with consideration of the cumulative effects of other developments. The highways plan is unsound and not sustainable.

d) The Core Strategy only takes into account Flood risk identified by the Environment Agency which is fluvial based (tidal) and does not take into account Surface Water flooding risk. This is despite the fact that majority of flooding in the area has been caused by the latter and a combination of both.

e) Aviva Insurance were not content with the Environment Agency's evaluation they conducted their own that included Surface Water and number of claims for an area. This was because flooding was and still is a major concern to their revenue stream so they needed to identify properly all types of flooding risks.

f) An additional point that is not captured by either the Environment Agency or Aviva is there is no need to report flooding occurring regularly in a field, only local people know about this. It is wrong for the Core

Strategy to only consider Fluvial flood risk.

g) The Core Strategy is therefore unsound.

6. Gypsy sites - the proposals provide for 14 pitches by 2014 but no indication is given of where these should be sited. This issue has caused a lot of concern to many residents who favour a single, manageable site in a location with good road access and all appropriate services and the proposals are unsound and, probably, unsustainable.

a) Gypsy/Traveller sites must be positioned in locations that have the best access to transport links and services. It is essential that any gypsy/traveller site developments are matched by appropriate infrastructure such as established road networks, water / gas / electric supply, mains sewerage, access for refuse / recycling collection, and access to healthcare and schools.

b) The choice of a suitable site(s) must ensure that such communities can be appropriately integrated, and promote the right level of community cohesion for these people. Inappropriate location of Gypsies and Travellers would not bring about desired cohesion, and if a poor choice is made by the Council this could lead to exactly the opposite and disharmonious relationships between communities local community would transpire.

c) In the light of the above, and in line with previous recommendations, if it is decided that Gypsies and Travellers must be accommodated on 'official' sites, then such sites are best suited to the west of the district. Any loss of countryside, greenbelt and open spaces in and around Hockley is considered unacceptable when there are known alternative locations that would be better suit mutual Council and Traveller needs.

7. The last consultation on the DPD Allocations was in April and is believed to have 'attracted' a record level of responses but has not even been considered by the Council 6 months later. This reflects the generally inadequate consultation during the entire process and means the Core Strategy is undemocratic and consequently the proposals are unsound.

Sincerely

Councillor John Mason
Party Leader
Representing Hawkwell West Ward

SUMMARY

From the significant number of critical, objecting representations from professional developers, landowners and residents (stakeholders) both in previous Consultations it was expected that the amendment to the Core

Strategy (CS) would fully respond to these concerns and change the CS in many significant ways.

This representation of objection sets out a number of material and significant pieces of evidence which shows that the Core Strategy as submitted on 9 September 2009 for critical review by Hearings to a planning inspector is still UNSOUND.

To read the full text of this representation please access the full version on this web site.

CHANGE TO PLAN

1. There is evidence that the Council did not, itself, consider the CS Sound at submission and the amendments do not deal with these issues.
2. Accepting that Rochford is not an appropriate location for housing growth, it is not clear that full account was taken of the relationship between Rochford District and surrounding areas (particularly within the same housing market area), concerns with regard to sustainability, and the array of environmental and physical constraints the District is subject to.
3. This is evidence that a further full evaluation of the housing needs for the district is necessary to determine the total housing quantum required.
4. All the Council has done is essentially undertaken a review on the back of an envelope and just spread that total over a longer period without any acceptable evidence.
5. Assessments of affordable housing in the SHMA 2008 and 2010 required for the district. Both the 131 pa and 196 pa assessments have now been rejected by the Council in favour of 60 pa.
6. Having read the Topic Papers and supporting studies prepared by the Council for the Planning Inspector I cannot see that there is acceptable evidence that the SHMA figures should be rejected and neither is there any acceptable evidence that the chosen figure of 60 will meet housing needs for affordable housing.
7. With regard to the problems Risk of flooding, risk of coalescence, heavy peak time congestion on rail lines, there are no sustainable transport options for any level of growth which were highlighted by Tribal" and "Tym & Partners" it is not clear in the evidence submitted by the Council that the proposed quantum in the CS is sustainable. Further studies of the district need to be obtained.
8. There is no actual evidence that the Council has undertaken a comprehensive and detailed (in planning terms) comparative assessment of the impact of the CS Locations, in that they are identified for places of housing growth, in terms of the impact on green belt, the effect on the

landscape and highways.

9. The two proposed new industrial sites will also be relocated to Green Belt land which in itself is the only way that any significant brownfield will be allocated for housing development. This is not a true release of brownfield because it is a policy which is a thinly veiled cynical sham. Adjusting the real position for this means that, effectively, 89% of all development proposed in this CS is on green belt. The allocation of development to alternative brownfield sites needs to be re-examined by the Council in a further revision of the CS before it is accepted by the Planning Inspector and Secretary of State.

10. The Locations East Ashingdon and West Rochford fall within the highest classifications of Agricultural Land, Grades 1 & 2.

11. Where in evidence did the Council obtain "competent advice"? In the absence of this two Locations must be removed from the CS and as such it is UNSOUND.

12. The older component of our population is said in the Council Paper presented on 14/10/10 to be a block on the release of "previously owned homes" and yet the Council has no proposals to release the blockage by requiring the provision of smaller homes in developments like Coachman's Court (Rochford, Sheltered/wardened Flats for over 55's). If this were part of the Core Strategy then much less green belt would need to be released.

13. Development proposals for the first phase are concentrated in the centre of the district where the infrastructure, based on historical country lanes, cannot cope with existing traffic - there are a number of bottlenecks across this part of the District and being systemic in nature will not be improved by the relatively small improvements provided by the developments proposed.

The document is unsound because it is not:

- i. Justified
- iii. Consistent with national policy

How you would like your representation to be considered at the independent examination: Appearance at the Examination."