

**Matters and Issues for the Resumed Examination, February 2011**  
**On behalf of Barratt Eastern Counties**

Matter 1a) Whilst it is difficult to predict what may happen with the Cala Homes latest Judicial Review it is clear that at some point RSS will be revoked. That said, the planning regime requires the development plan to be taken into account in so far as it is relevant and so for the purposes of this particular Examination, the East of England Plan is relevant and up to date and has to be followed. To set it aside completely would be unlawful. However, Ministerial decisions and statements can be taken to be material considerations. On the basis that the East of England Plan remains in place for the period in which the Rochford CS is being examined, the Core Strategy needs to take into account the annual average of 250 dwellings per annum that was sought for the period to 2021 and the advice in RSS that this rate continue beyond that period. It is then necessary to attach weight to the RSS Review and the intention that RSS be revoked. The proposed changes do not conform with that development plan as it currently stands.

You asked whether there were any local circumstances that may justify lack of conformity with the RSS? Given that Rochford is one of a number of authorities in this area required to provide housing and that RDC has already concluded that for the lesser amount now promoted, Green Belt sites are needed, Green Belt on its own is not a 'local circumstance' to justify non conformity. In addition there are no flood risk or historic constraints that would allow non conformity with RSS. If there are local circumstances identified, then these would have been apparent before RSS was revoked and so to identify such circumstances now, in order to allow the Council to justify non conformity, would be disingenuous. The RSS is material and must be adhered to subject to the weight attached to Ministerial decisions.

1b) As the Cala decision is expected to show, the Inspector must give little weight to the Government's intention to revoke RSS at this point in time. However, it is difficult to escape the fact that RSS will be revoked eventually and that this cannot be ignored. A draft Bill has been published, and whilst there is no guarantee that this will be carried through parliament some weight has to be attached to the Government's intentions as Ministerial Statements are capable of being material considerations. The question is whether this weight is sufficient, on its own, to allow non conformity with RSS. In conclusion, whilst the approved RSS is relevant, this must be tempered by the knowledge that the planning regime will alter. One option is to acknowledge the RSS and identify a Safeguarded site to meet targets.

2 a) The revised CS purports to include data that would have appeared in the new RSS for the period 2011 to 2031. However, if RSS is to be revoked then including any figures from the RSS is considered inappropriate. A more lawful approach is to look at the raw data set out in the Chelmer Model (which formed the basis of RSS) and base the changes to the CS on that. Data at Table 9a for Rochford predicts an increase of 5,000 extra dwellings to 2031.

Table 10a takes this further and looks at the total change for various categories. Furthermore, the revised CS also does not appear to take into account shortfalls from 2008-10 where no supply is included in the Council's calculations. This needs to be rectified as it is contrary to PPS3. Subject to this and some consequential changes to the housing land supply, the revised CS could be seen as being justified in regard to the Chelmer model figures but not if based on RSS or emerging RSS.

2 b) Option 1 figures are part of RSS Review and since RSS is to be revoked they should not be used. However, the Council could use the raw data and modelling carried out by Chelmer, which is an independent assessment of population growth and which was used in the formulation of draft RSS policy. This would provide a localised set of data that RDC could use.

2c) The current planning circumstances would suggest that exceptional circumstances exist to release Green Belt land. There is insufficient land from brownfield sources and this is acknowledged by the Council. There is a high degree of uncertainty from the redevelopment of some of the industrial sites they wish to secure housing on with long leases and unit occupation.

2d) There does not appear to be any trigger mechanisms for Green Belt release. Trigger mechanisms should include instances where there is no 5 year supply and where the Green Belt site coming forward is sequentially appropriate compared to alternatives options.

2 e) As noted above and in our previous submission, we conclude that the CS does not result in a continuous supply of housing as the changes result in a gap in coverage between 2008 and 2010. This means an undersupply which is unacceptable. To resolve this we have previously stated that the housing supply should be increased for certain strategic locations and have identified South Hawkwell as one such location where impact on the Green Belt would be minimal.

3) Unless the changes recommended in this and the recent submissions are implemented then sustainability will be negatively affected. There needs to be a sufficient supply of housing to ensure social and economic objectives are met. If this does not happen then the proposed changes cannot be said to be sustainable.