

**Statement on behalf of Colonnade Land LLP**  
**Rochford District Council Core Strategy Examination in Public**  
**Further Matters and Issues dated 15 December 2010**

This statement has been prepared by Icen Projects Ltd (Icen) on behalf of Colonnade Land LLP (Colonnade) in response to the further Matters and Issues identified by the Inspector (shown in italics).

*1) General*

*a) Given that the East of England Plan remains in place as part of the development plan, in what ways and to what extent would the proposed changes result in the Core Strategy failing to meet the requirement to be in general conformity with the East of England Plan, and are there any local circumstances that would justify any lack of conformity?*

The representations on behalf of Colonnade to the proposed Focussed Changes to the Core Strategy identified the concerns of Colonnade that the extent and magnitude of the changes to the submitted Core Strategy, alongside other issues, mean that the Core Strategy does not provide a credible basis for the future spatial planning of the District.

Fundamentally, the proposed Focussed Changes mean that the Core Strategy is not in conformity with the East of England Plan and the Council has failed to advance any sound justification for this lack of conformity. There are a considerable number of instances where the Core Strategy is not in conformity with the East of England Plan, but the most stark relate to the provision of housing and affordable housing.

In summary, Colonnade does not consider that the proposed housing delivery target of 190 units per annum has been arrived at following a sufficiently rigorous assessment. Rather, as evidenced by submissions to the East of England Regional Assembly consultation on the draft Review of the Regional Strategy to 2031, it would appear that the assessment is simply the 'simplest arrangement' and the Council has sought to construct the evidence to support the proposed reduction in housing targets rather than undertake a full and rigorous assessment of the housing requirements arising from locally derived needs.

Colonnade has specifically requested that a separate audit trail of the evidence base leading to the derivation of the 190 figure is provided if the Council contends that the derivation of the proposed figure of 190 units per annum is based on a full and rigorous assessment of the housing requirements arising from locally derived needs.

It is also of particular concern that the 'Audit Trail' produced by the Council upon the instructions of the Inspector has been questioned in very stark terms by a democratically elected representative of Rochford District Council. The letter from Councillor Mason to the proposed Focussed Changes consultation confirms that the 'Audit Trail' specifically omitted reference to a meeting of the LDF Sub-Committee, which is described in the letter as a 'significant decision making occasion'. The letter goes on to state, in relation to the LDF Sub-Committee on 1 April 2009, that:

*"This part of the CS process should have been made visible to the public with a record of the explanations for the basis of the assessment undertaken and the detailed planning reasons for promotion or rejection of sites disclosed when the Allocations of Sites (sic) DPD was put to public consultation in March 2010."*

This has two fundamental effects on the evidence presented by the Council as it:

1. Questions the veracity of the entirety of the Council's work in relation to the Core Strategy; and
2. Confirms that the basis for the decisions taken by the Council in relation to the Core Strategy have been dictated by the outcome of an unreported and un-minuted sub-committee, thereby excluding local residents, key stakeholders and other interested parties from the decision making process and the justification for the decisions made.

Accordingly, it is clear that the Core Strategy has not been developed in a fair and democratic manner. At the very least, we would ask that the Inspector requisitions all written (or other) records of the meeting, viz. LDF Sub-Committee on 1 April 2009, to allow each of the interested parties to examine the additional evidence. The failure to provide interested parties with this additional evidence of the decision making process of the Council will make any subsequent decision to find the Core Strategy sound, subject to challenge. This is particularly so where a considerable number of the representations to the Core Strategy have sought clarification of the decision making process and the justification behind it. Colonnade in particular has consistently sought further evidence (to which a response has yet to be provided) of the justification for the lack of comparison of the broad locations for housing growth against the reasonable alternatives, or their assessment in terms of the landscape and transport impacts, or effects on the Green Belt.

The proposed Focussed Changes are neither supported by a robust evidence base nor a satisfactory Strategic Environmental Assessment. The evidence base that the Council has provided to support the proposed Focussed Changes is also unsound and lacks veracity.

*b) What weight should be given to the Secretary of State's intention to abolish Regional Spatial Strategies, and what are the implications for the Inspector's consideration of the proposed changes?*

Subject to the outcome of the further challenge to the Secretary of State brought by Cala Homes, very little weight should be given to the Secretary of State's intention to abolish Regional Spatial Strategies. The justification for this is contained within the original judgement brought by the Honourable Mr Justice Sales, which confirmed in paragraph 54 that:

“there has been no effective change in any planning guidance brought about by the Secretary of State's decision”

It is also relevant to note that the intention of the Secretary of State in proposing the revocation of Regional Strategies is to “promote more extensive house-building overall”. The proposed Focussed Changes to the Core Strategy that seek to reduce house-building do not accord with the fundamental aims of the Secretary of State for Communities and Local Government, or indeed the policies of PPS3, as revised, which seek to provide for a step change in housing delivery.

The Focussed Changes to the Core Strategy fail to accord with the East of England Plan, in respect of both the minimum housing provision targets and affordable housing targets, and cannot be found sound.

## *2) Location and supply of new homes*

*a) Would the revised CS meet the requirements of PPS3, having particular regard to paragraph 33 and paragraphs 52 – 61?*

The Focussed Changes to the Core Strategy fail to have regard to the requirements of paragraph 33 or paragraphs 52-61 of PPS3. Specifically, the Core Strategy fails to:

- Base the proposed housing provision targets on evidence of current and future levels of need and demand;
- Base proposed housing and affordable housing provision targets on the basis of the Strategic Housing Market Assessments;
- Take account of the advice of the National Housing and Planning Advice Unit;
- Take account of the Government's latest published household projections;
- Respect and accord with the Government's overall ambitions for affordability across the housing market, including the need to improve affordability and increase housing supply;
- Base its proposed housing distribution on a robust and defensible Sustainability Appraisal of the environmental, social and economic implications; and
- Justify the proposed distribution in the context of a robust and defensible assessment of the impact of development upon existing or planned infrastructure and of any new infrastructure required.

*b) Is there sufficient justification for using the Option 1 Figures from the EoE Plan 2031?*

The Council has not advanced sufficiently robust and rigorous assessment of the justification for proposing a reduction to the 'Option 1 Figures' from the EoE Plan 2031.

In response to the East of England Regional Assembly consultation on the draft Review of the EoE Plan 2031, the Council provided a series of responses to the 'Scenarios for housing and economic growth'. A copy of the full response of the Council to the consultation is provided as an attachment to the representations submitted on behalf of Colonnade to the proposed Focussed Changes.

In response to the question regarding which was the preferred growth strategy (Comment ID 1327 on page 2 of the attachment) the Council confirmed that:

"For Rochford, a delivery rate set at a level below the current East of England Plan level would be appropriate. It may be that the simplest arrangement would be to assume the housing provision specified in the Council's Core Strategy as the total provision to 2031 rather than, as at present 2025. This would reduce the overall annual rate of housing to about 190 dwellings per annum over the extended plan period or 75% of the current rate."

The decision to pursue the 'simplest arrangement' to the housing provision cannot be considered sufficient justification for pursuing the reduced housing provision targets.

*c) Would the revised CS comply with the requirement in PPG2 that Green Belt boundaries should be revised only in exceptional circumstances?*

In an area so extensively constrained by the Green Belt as Rochford District, Colonnade considers the need for housing growth to be sufficient justification for the revision of Green Belt boundaries. The revisions to the Green Belt boundary must, however, be based upon a comprehensive assessment of the reasonable alternatives and having undertaken a comprehensive review of the effects and impacts on the Green Belt as a whole. Colonnade does not consider the Council to have sufficiently justified the choices it has made in the context of the requirements of national policy.

*d) To the extent that the revised CS allows for the potential release of Green Belt land to meet housing needs, is there sufficient clarity on when and how such land would be released, for example what would trigger the need to review the Green Belt boundary?*

The extent and immediacy of the housing requirement, in particular the affordable housing requirement, which is accepted by the Council to be severe, requires the immediate release of Green Belt land for housing development. However, the location of Green Belt release must be justified by comprehensive and robust assessment of the impacts of the proposed locations in the context of the reasonable alternatives. Colonnade considers this assessment to be absent.

*e) Would the revised CS provide sufficient flexibility and a continuous supply of housing land?*

Colonnade is concerned that the CS would fail to provide sufficient flexibility and provide a continuous supply of housing land. As evidence of this is the reliance placed on the provision of a number of significantly constrained sites, which are neither commercially viable, nor attractive to the market. An example being the Stambridge Mills site. Whilst it is now accepted that the site can deliver significantly less than the 250 units originally proposed, it remains unlikely to be delivered in the timescales anticipated by the Council. It is significant that the application was screened in 2007 and whilst an application was submitted in September 2011 it remains invalid 4 months after its submission due, we believe to a lack of provision of flood alleviation details or satisfactory evidence that either the sequential or exceptions tests have been complied with – thus there is no certainty at this stage that even the reduced number of dwellings can be provided and if so, when.

*3) Sustainability*

*a) Would the proposed changes have a positive or negative impact on sustainability, and would the revised CS strike the right balance between meeting development needs and environmental considerations?*

The Sustainability Appraisal of the proposed changes to the Core Strategy confirms that the effect of the proposed changes on the housing objective will be negative. It confirms that the range and affordability of dwellings will be reduced, but fails to offer any realistic mitigation measures.

It also fails to effectively balance the eventual loss of land to development that would occur over the extended plan period with the significant and real negative social and economic implications of reducing housing provision figures.

There is a material inconsistency between the Sustainability Appraisal produced to support the Focussed Changes to the Core Strategy and that produced to assess the Core Strategy Preferred Options. The Sustainability Appraisal of the Core Strategy Preferred Options assessed the effects of the emerging policies based on the minimum net annual housing provision target of 250 units (adjusted to take account of historic under-provision) and stated that the plan would have 'significant positive effects through meeting the housing needs of the District'. It is inherent that the Sustainability Appraisal could not have come to this same conclusion had the minimum net annual housing provision target of 250 units been an overprovision in the context of local need.

*4) Any other matters arising from the Proposed Change*

None.