

## Introduction

- (i) This response is submitted on behalf of our clients, Countryside Properties (respondent ID 8650), and sets out our comments on the proposed changes to the Core Strategy published by the Council in October, and which arose from the revocation of RSS.
- (ii) Since then, of course, the RSS has been reinstated. In addition, the passage of time also raises new concerns regarding the end date of the Plan, which we consider are relevant. Furthermore, and irrespective of our comments on the overall level of housing provision, we consider that there are specific anomalies to the phasing of the principal growth locations in the latest amendments that are not “Justified”, and that both the proposed Phasing and lack of flexibility in Policy H2 will mean that the Policy will not be “Effective”.
- (iii) Our submissions are therefore made under four main headings:
  - (1) Housing Provisions in the “With the RSS Scenario”, being the current position (and which also deals with the relevance or otherwise of the Secretary of State’s insistence that the future revocation of RSS is a ‘material consideration’);
  - (2) Housing Provisions in the “Without the RSS Scenario”, being the position that existed at the time the Council decided to amend the housing provisions of the Core Strategy, and the position that may exist again at some as yet unspecified date in the future;
  - (3) End Date of the Core Strategy, in relation to PPS12 requirements for duration and monitoring;
  - (4) Amendments to the Phasing Provisions for the growth areas in the proposed Core Strategy Changes (Policy H2).
- (iv) Finally, under Section 5, we set out our summary/conclusions, including the changes we believe are required to render the Core Strategy sound.

### 1. Housing Provisions in the “With the RSS Scenario”

- 1.1 Section 24 (1) of the Planning and Compulsory Purchase Act states that all Local Development Documents must be in general conformity with the Regional Strategy i.e. in this case, the East of England Plan 2008. Paragraph 4.50 of PPS12 provides relevant guidance on this issue, noting that conformity with the Regional Strategy is one of the ‘Legal’ tests of soundness.
- 1.2 Whilst the RSS exists, being in “general conformity” with it is not an optional extra – it is a basic legal requirement of Soundness.
- 1.3 In his letter of 27<sup>th</sup> May 2010 the Secretary of State invited Local Planning Authorities and the Inspectorate to have regard to the Government’s intention in

- the future to abolish Regional Spatial Strategies as a ‘material consideration’, and this is repeated in the recent letter from Mr Quartermain of 10<sup>th</sup> November 2010. However, this is an Examination in respect of a Development Plan Document, where the only consideration is that of Soundness – the concept of a “material consideration” simply has no applicability in the DPD process.
- 1.4 Perhaps the most significant aspect of the Cala Homes decision is that it is a firm reminder that the Secretary of State cannot change statute without going through due process, no matter how many letters he may choose to write, and whatever exhortations he might seek to place on decision makers to have regard to a new piece of legislation that has yet to be placed before Parliament, let alone debated or brought in to being.
- 1.5 We note that the Courts have, as of 29<sup>th</sup> November, made an announcement which confirms this view, but in any event case, the ‘general conformity’ test is prescribed by statute, and whilst the RSS exists, the need for general conformity remains.
- 1.6 The level of new housing to be provided at district level is one of the more significant functions that the RSS performs. PPS11, the operational guidance in force at the time of the preparation and adoption of the East of England Plan, sets out at paragraphs 1.2-1.8 the purpose and scope of RSS, with the one of the key matters being the “identification of the scale and distribution of provision for new housing” (para 1.3). Paragraph 34 of PPS3 provides specifically that the RSS should set out both the overall level of housing provision for the region, and that it should set out how this is to be distributed amongst housing market and local planning authority areas.
- 1.7 There is no equivocation in the manner in which the East of England Plan sets out the housing requirement. Policy H1 sets a minimum dwelling provision for Rochford District of 3,790 units between 2006 and 2021, and a requirement to provide for a further 1,250 dwellings between 2021 and 2026.
- (Please note that we use an end of 2026, rather than 2025, due to the PPS12 requirement for a minimum of 15 years provision from the date of adoption – see Section 3 of these submissions).*
- 1.8 The effect of the proposed amendments to the Core Strategy by the Council is twofold:
- (i) To reduce provision between 2011 and 2026 to 2,850 units, and
  - (ii) To make no provision at all for the period between 2006-2011 (other than the default position of the number of units actually built during that period – Topic Paper 3 paragraph 7.7, we understand the projected completions 06-11 are 863).
- 1.9 The proposed amendments therefore make provision for only 3713 (partly as a result of the default position to 2011, and partly through future planned provision), against the RSS requirement for the same period of 5,040 units i.e. a shortfall of over 1327 units.

- 1.10 Although the Council's original Position Statement seeks to argue that the level of housing provision is largely the same as the RSS, just delivered over a longer period, this was essentially a 'glossing' of the position, and we note that Topic Paper 3 does not seek to maintain this position (see para 7.11 of TP3 "in short, the amended Core Strategy will deliver fewer dwellings in total over a longer period").
- 1.11 When tested against the RSS, the actual level of housing provision for the period 2006-2026 is over 1300 units below the minimum requirement, well over 25% less than the absolute minimum.
- 1.12 In that context, there can be no credibility in an argument that to substantially fail to meet the RSS housing requirement could still leave a Core Strategy in "general conformity".
- 1.13 With the revised and lower housing provision, this Core Strategy is not in general conformity, and it therefore fails one of the key legal tests of soundness.
- 1.14 The Core Strategy can however be made sound by restoring the Pre-Submission housing figures (alongside our previous representations), which have been subject to both SA and consultation.

## 2. Housing Provisions in the "Without the RSS scenario"

- 2.1 Given recent events, it seems only prudent in these submissions to consider the position that would exist were the RSS to be revoked again, although since no challenge has been lodged and the enactment of the Localism Bill is still a long way off, at the present time this seems an unlikely proposition before the close of this Examination.
- 2.2 We turn now to consider the position in the 'without RSS' scenario, under the following main headings:
- The so called 'Option 1' position;
  - The status/implications of the Draft East of England Plan of March 2010, upon which the Council's case substantially relies;
  - The Evidence Base – an assessment of what the Council's own evidence base tells the Examination about the Justification for the revised housing provision put forward by the Council.
  - An assessment and response to the Council's Topic Paper 3 (and previously issued Position Statement) in the light of the above matters.

### Option 1

- 2.3 The explanatory note on transitional arrangements issued by the Secretary of State on 6th July alongside the initial revocation of Regional Spatial Strategies noted that in the absence of RSS, it might be appropriate for Local Planning Authorities in the alternative to rely on their 'Option 1' figure, being the level of housing set out in the "original" draft RSS.

- 2.4 In an attempt to clarify the meaning of 'Option 1', Mr Robert Neill MP gave an answer to a parliamentary question on 1<sup>st</sup> July, which stated that for the East of England Region, the Option 1 figure should be taken as being the level of housing set out in the 2010 Draft RSS, and we note that this explanation is relied upon by Rochford District Council at paragraph 2.3 of Topic Paper 3. Mr Neill actually referred to a January 2010 version, but the published version was March 2010.
- 2.5 However, on 22<sup>nd</sup> July, Ipswich Borough Council wrote to DCLG to ask the same question, and on 9<sup>th</sup> August, DCLG responded by making clear that for the East of England Region, the Option 1 figure should be taken as being the "original Regional Regional Spatial Strategy" of 8<sup>th</sup> December 2004 (thereby flatly contradicting Mr Neill).
- 2.6 As the Inspector will be aware, the housing provisions in the original RSS as per the above are the same as the figures upon which the original Pre-Submission Draft was based i.e. 4,600 2001-2021, plus 250 units per annum from 2021.
- 2.7 So reliance upon the so called 'Option 1' number in the alternative to the adopted RSS would not support the reduction in housing that the Council now proposes.

**Draft East of England Plan, March 2010**

- 2.8 Notwithstanding the above, it may be relevant to consider whether the March 2010 Draft East of England Plan provides any support for the Council's revised proposals in any event, since this is the document upon which the Council revised level of housing is based.
- 2.9 The first point to note is that the Draft RSS was seeking to provide a 'roll-forward' of the RSS, covering the period 2011-2031. The provisions of the adopted RSS up to 2011 would have remained in force, up to the adoption of the new guidance for the period going forward beyond 2011. If the Council is to rely on the RSS as evidence, it cannot pick and choose its application. The housing figures in the roll forward of the RSS for 2011-2031 would have been in addition to the housing required under the adopted RSS for the period 2001-2011.
- 2.10 In that context, it is relevant to note that Rochford provided 810 units from 2001-2006, and note previously, the completions for 2006 to 2011 are stated by the Council to be 863, equating to a total provision 2001-2011 of just 1673 (pro-rata, the RSS requirement 2001-2011 would have been 2,300).
- 2.11 So even if the Draft RSS can be relied upon as a source of evidence, the shortfall arising from the adopted RSS to 2011 would also logically need to be provided for, but is not.
- 2.12 The second point regarding the Draft RSS is the weight to attach to it as 'evidence' in relation to this Examination, particularly bearing in mind its provisions have never been tested. There is no way of knowing whether or not the level of housing provision set out in the Draft would have been retained, and

no way of knowing whether that level was any more justified than any of the other ranges of provision that were the subject of previous consultation.

2.13 However, in terms of what is known about the Draft RSS, and to assist the Inspector in considering the weight that might be attached to it, we would make the following two observations:

(1) The November 2009 RSS Consultation set out four different housing growth scenarios, based on varying sources of evidence on housing need across the region as a whole, including roll forward of the existing RSS (scenario 1), housing need forecasts (scenarios 2 and 3), and household projections (scenario 4). The total quantum of growth tested under the scenarios was: 521,120; 602,020; 599,480; and 673,000. The March 2010 Draft Plan H1 provisions were for 500,700. The trail of paperwork from the Regional Planning Panel provides no substantive evidence to support the lower figure eventually selected, and therefore the draft Plan as a piece of 'evidence' in its own right can have very limited weight attached to it.

In all scenarios, the requirement for Rochford ranged between 5,000 and 8,000 dwellings over the period 2011-2031, substantially more than the eventual draft RSS.

In terms of 'evidence' therefore, the technical assessments that underpinned the emerging RSS all supported a higher level of growth, both for the region as a whole, and for Rochford in particular, than the Council is now proposing;

(2) In respect of this particular Core Strategy, there is more detailed and substantive evidence available within Rochford Council's own evidence base that also supports a substantially higher level of housing growth than those set out in the (untested) Draft RSS.

2.14 For the above reasons, the Draft RSS does not provide a substantive body of evidence that supports the reduction in housing provision now being proposed by the Council. We turn now instead to consider the implications of Rochford's own evidence base.

### **The Rochford Core Strategy Evidence Base**

2.15 In our original letter to the Examination in July following the initial revocation of RSS, we pointed out that the existence or otherwise of an RSS in no way altered the procedural requirements for the preparation of DPDs, and specifically that the content of any DPD needs to be based on evidence. Removing the RSS housing numbers does not remove the requirement for a DPD to be "sound", and this Core Strategy must still meet the tests of soundness, including that it be "Justified" i.e. founded on a robust and credible evidence base, and the most appropriate strategy when considered against the reasonable alternatives (PPS12 para 4.52).

- 2.16 The principle document in the Council's published evidence base that relates to the issue of housing need is the SHMA. The key conclusions of the 2008 Thames Gateway South Essex SHMA are as follows:
- The RSS housing provision for TGSE at 44,300 2001-2021 is already below the CLG's trend-based projections for household growth of 46,500 (para 10.27 of the SHMA);
  - If the economic growth projections of the RSS of 55,000 additional jobs are achieved without any substantial shift in commuting patterns, then the pressure for housing growth would be even higher. The SHMA's authors predict a requirement in that eventuality for 62,100 new homes over the same period, 40% above the current RSS requirement (para 10.28). Although the policy intention is to reduce commuting to London, the authors go on to conclude that notwithstanding that policy aspiration, a projected surplus of jobs to houses in the capital may increase commuting (paras 10.38-10.52), and hence the potential for job growth in TGSE to fuel the need for more housing than the RSS currently provides is not idle speculation, but a relevant consideration;
  - In terms of Affordable Housing need, Figure 11.13 on page 209 of the SHMA calculates a net annual affordable housing need in Rochford of 131 dwellings, equating to just over 50% of the RSS annual requirement of 250 dwellings per year. 50% affordable housing delivery is neither proposed nor viable. Delivering 131 affordable housing units per annum at 30% or 35% would require between 374 and 437 dwellings per annum, significantly higher than the residual RSS requirement upon which the Core Strategy is currently based. Any reduction in the overall level of housing delivery will have a direct knock on effect on the delivery of affordable housing, and even the current RSS housing number will result in a substantial shortfall in affordable housing delivery compared to need.
  - The conclusions of the SHMA at paragraph 13.3 notes that a SHMA forms one of the inputs in to determining housing requirements and residential land-supply in LDFs. In the absence of the RSS, the SHMA would become the most important consideration in respect of the "need" side of the equation, representing the most comprehensive assessment of affordable and housing market requirements.
  - The conclusions of this SHMA show that the current RSS provision should indeed be considered as a "minimum", since both market and affordable housing need are likely to exceed the level of provision established by the RSS.
- 2.17 The 2008 SHMA was updated in May 2010. The 2010 SHMA Update continues to support the findings set out above, but also notes the following:
- In-migration from East London boroughs remains a significant driver for the TGSE Housing Market, as a result of the differential value of housing stock

between East London and TGSE and continuing ease of access to Central London and the City from South Essex (paras 2.8-2.9 of SHMA 2010);

- For Rochford District, in-migration from other parts of the UK is by far the most significant factor driving the need for new housing (cf Table 2.11 with tables 2.7-2.10);
- Rochford District has now overtaken Castle Point to the dubious distinction of being “the least affordable place for local residents” in TGSE (para 3.20 of SHMA 2010);
- Whereas in the SHMA 2008, affordable housing requirements equated to 50% of the RSS total, as set out above, the SHMA 2010 now estimates the affordable housing requirement as being 85% of the RSS annual total, with the net annual housing need having risen from 131 dwellings per annum to 196 dwellings per annum, compared to the 250 per annum required by the (former) East of England Plan.

2.18 The other principle source of evidence on housing provision levels of course is the adopted RSS (since this is the version that has been tested and found to properly establish an appropriate balance between meeting housing need and environmental/infrastructure constraints). A specific part of the evidence base that underpinned the consideration of the housing numbers in the original RSS was the ONS household and population forecasts. The EERA Technical Paper of September 2005 set out at Table A.1 the results of the 2002 ONS Household projections, by District. The projection for Rochford District was 7,000 additional households between 2001 and 2021, compared to the eventual proposal for 4,600 dwellings.

2.19 We recognise of course that the ONS projections take account of trends in migration, but nil-net migration is not a credible basis on which to base local housing requirements. Migration is a fact of life, and it is neither credible nor reasonable to pretend that migration does not have an impact on housing demand and need in the Eastern Region, and particularly in the South Essex area, where the SHMA itself migration as being a key driving factor of housing need.

2.20 Taking in to account the available evidence on housing need, we would suggest that this not only supports the retention of a level of housing commensurate with the existing RSS, but that it also supports the continued application of that level of housing as a minimum. All of the evidence suggests that housing need, and particularly affordable housing need, is well in excess of the 4,600 units set out in the RSS.

### **Assessment and Response to Rochford District Council’s Topic Paper 3 (and Position Statement)**

2.21 Finally, we turn to the contents of Topic Paper 3, which sets out the Council’s justification for the revised approach to housing provision. We set out below our response to the matters raised, in the order they arise:

2.22 **Pages 1-2 – RSS Revocation** – we have covered the technical matters in relation to this above. The Council notes that the DCLG advice allows for the evidence base for the RSS to be considered to be relevant (and we do not disagree with that) and the Council in turn then seeks to rely on the provisions of the March 2010 Draft RSS roll-forward. However, the Council gives no consideration as to what the actual ‘evidence’ was that led to that document, and as explained above, the technical evidence actually supported a level of growth in excess even of the original RSS;

2.23 **Pages 3-9 – Housing Need** – Although this is the longest section in Topic Paper 3, much of the material is drawn from the SHMAs (2008 and 2010) and is not therefore new material, and we have addressed much of this in our discussion of the Evidence Base above. Our comments below relate primarily to the interpretation of this evidence in Topic Paper 3.

Affordable Housing Need

2.24 At Paragraphs 3.2 and 3.25-3.28, we note that since the SHMA of 2010, the number of applicants on the Council’s waiting list as increased. In the same way that the 2010 SHMA showed a worsening position in respect of affordability, so this further indicator shows that in relation to access to housing, the picture is not static in Rochford, but is continuing to get worse.

2.25 There is nothing in Topic Paper 3 that contradicts the conclusion from the SHMA 2010 that Rochford is “the least affordable place for local residents” in Thames Gateway, and the need for affordable housing delivery should be a significant factor in the determination of the level of overall housing provision in the Core Strategy.

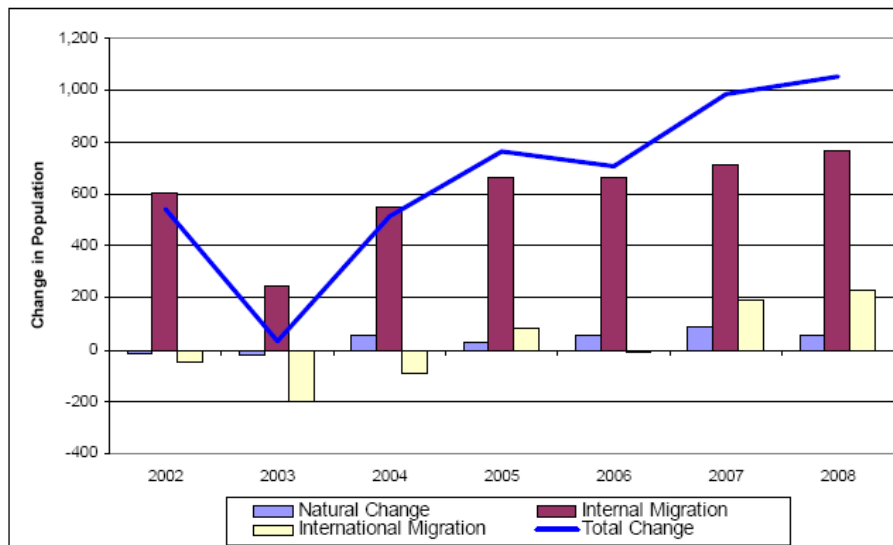
Population Growth and Migration

2.26 Paragraphs 3.5-3.13 contain a commentary on published population projections for Rochford.

2.27 We note at paragraph 3.10 the suggestion that whilst internal migration from London is the dominant driver of population change in Thames Gateway, Rochford District has absorbed a relatively small proportion of this growth. This may be true, but as Table 2.11 of the SHMA 2010 shows (see extract below), internal migration is still the dominant driver of population change within Rochford (as the Council goes on to note at paragraph 3.7)



Figure 2.11: Components of Population Change: Rochford, 2002-2008



Source: ONS Mid-Year Population Estimates Components of Change 2009

2.28 At paragraphs 3.12-3.13, the Council seeks to cast doubt on the accuracy of population forecasting, bearing in mind that different assumptions about migration can make significant differences to forecasts. It identifies three population projections based on the Population and Household Growth in the East of England 2001-2021, being:

- +5,500 persons 2001-2021 (275 pa) based on the “long-run” migration projection (i.e. migration levels between 1991 and 2001);
- +10,500 persons 2001-2021 (525 pa) based on the “short-run” migration projection (i.e. migration levels between 1996 and 2001); and
- +8,100 persons 2001-2021 (405 pa) based upon EERA’s updated model run in 2006.

2.29 Whilst it is clearly true that different assumptions on migration will result in different projections, Figure 2.11 of the 2010 SMHA shows that actual internal migration 2002-2008 has tended to be in excess of 600 persons per annum, above even the highest projection. The total in-migration to Rochford in the period to date has therefore already in all likelihood exceeded the lower “long-run” migration figure, with over 10 years to go to 2021.

2.30 The evidence therefore of actual migration strongly supports the forecasting assumptions that Rochford does and will continue to experience high levels of in-migration.

### Household Growth

2.31 At paragraph 3.16, Topic Paper 3 notes that based on 2007 population projections, the 2008 SHMA estimated 300 new households forming per annum,

and the 2010 SHMA estimated 350 new households i.e. between 6,000 and 7,000 new households between 2006 and 2026 (the period the Core Strategy should cover).

2.32 As per our assessment in the 'With RSS Scenario' above, by contrast, the Core Strategy now seeks to provide 2,850 units 2011-2026 (the 190 per annum) and the 863 units 2006-2011 (173 units per annum).

2.33 It is clear therefore that the scale of provision in the Core Strategy is well below the locally arising need, which will in turn further exacerbate the cost and accessibility of housing, including affordable housing.

#### An Aging Population

2.34 At paragraphs 3.14 and 3.17-3.20, the Council seek to cast doubt on the findings of the SHMA in terms of its projections of housing need, in particular arguing in paragraphs 3.19-3.20 that the evidence that the Council presents on ageing might alter future projections of household formation/housing need. But there are two main problems with such arguments:

- An ageing population does not necessarily mean less housing need, and indeed in many respects the reverse is true. There is a greater tendency and indeed an encouragement for more elderly people to live independently, and therefore houses that might otherwise become available on the market stay occupied, whilst long-living elderly households are part and parcel of the increased trend towards smaller household sizes;
- The SHMA estimates for future household growth of between 300-350 dwellings per annum did take account of the ageing profile of the population (see paragraphs 2.3-2.4 of the SHMA 2010 in particular).

#### Household Size

2.25 At paragraph 3.22, the Council notes that reducing household size is a factor that creates pressure for new housing. This is undoubtedly true, but the fact that single person households might be the main component of household growth does not alter the number of dwellings required to meet that need (nor out of interest does it necessarily impact on property sizes, due to 'under-occupancy').

#### Policy Interventions, Economic Growth, and Commuting

2.26 At paragraph 3.21, Topic Paper 3 notes that the SHMA forecasts take no account of 'policy interventions' such as redirecting growth to neighbouring districts. Since this is not a policy intervention that is going to happen (for the reasons previously explained), it is not a consideration that should be given much weight.

2.27 Conversely, at paragraph 3.24, Topic Paper 3 suggests that the SHMA forecasts do take account of projected enhanced levels of economic growth in Thames Gateway. Since this is a 'policy intervention' that is being pursued by Thames Gateway Districts in their Core Strategies (following the projected employment

- targets in the RSS), this is a legitimate policy intervention to consider. Indeed, Rochford are helping to contribute towards it through this Core Strategy and in particular the Airport Joint Area Action Plan.
- 2.28 Paragraph 3.24 also notes that the forecasts assume commuting levels remain consistent with 2001 levels. As noted in our analysis of the SHMA above, the concern here is that a surplus of jobs in the capital may increase commuting, and that, coupled with successful employment growth in Thames Gateway, that might result in an even greater demand for new housing than the RSS provided for.

Conclusion on housing need

- 2.29 In our view, the analysis in Topic Paper 3 simply reinforces the evidence from the SHMA that the actual level of housing need substantially exceeds not only the revised level of housing suggested in the Core Strategy changes, but actually exceeds the level of housing required by the RSS in the first place.
- 2.30 **Pages 10-11 – Environmental and Physical Constraints** – The Council seeks to argue that the results of the Sustainability Appraisal raise concerns regarding the quantum of development allocated to the District. It also argues that the provisions of PPG2 point to reducing the amount of development that will take place.
- 2.31 The first simple point to make is that nowhere in this section does the Council seek to argue that any key environmental or physical constraint is in fact breached by the level of housing provision set out in the original Submission Draft, despite the title. This is perhaps not surprising, since the original Submission Draft was considered by the Council to be a ‘Sound’ plan.
- 2.32 The actual substance of this section is simply to say that if Rochford were to provide less housing, the consequences on the environment and on the Green Belt would be less, and by implication that this would therefore be more sustainable.
- 2.33 Whilst an apparently simple proposition, we would argue that this is not the case. Reducing the level of provision does not reduce the level of need, and therefore the net effect would be one of two potentially less sustainable outcomes:
- (1) There is a general under-provision of housing, such that any environmental benefits are outweighed by adverse economic and social consequences (the other two ‘pillars’ of sustainable development); or
- (2) The under-provision of new homes in Rochford leads to more development in other areas, with potentially equal implications for sustainability.
- 2.34 It should be noted that all of the neighbouring Districts are also in the Green Belt, all have areas of sensitive landscape and areas of international importance for bio-diversity, and have their own objectives for balancing employment and housing growth, alongside investment in infrastructure. All are or have worked hard on their own plans to try and successfully meet the demands for growth that

- they face already with the pressures for maintaining their Green Belts and ensuring that development respects local environmental constraints. There is no 'spare capacity' over the border.
- 2.35 In either context, the Sustainability Appraisal for Rochford cannot be assessed in isolation, or only in relation solely to environmental/Green Belt implications in Rochford. The logical conclusion would be that as Rochford provides fewer homes than needed, so some other area has to provide more homes, with potentially similar or greater impacts.
- 2.36 **Pages 12-13 – Economic Development and Relationship with neighbouring areas** - The argument presented here is to the effect that because there are other Districts nearby with the potential for greater economic growth than Rochford, it is acceptable for Rochford District Council to under-provide against housing need within its area (so that it can be the 'green part' of Thames Gateway, as the original Position Statement sought to argue), with an expectation that "policy makers" will intervene to enable housing growth to be re-directed to other areas.
- 2.37 This approach cannot be sound, both on procedural grounds and in terms of the basic justification for the argument.
- 2.38 On the first matter, there are no "policy makers" who can intervene to redistribute growth, nor is there any mechanism (in the absence of strategic planning) by which such a redistribution could occur. Each Local Authority now has to look after its own requirements. We can say quite categorically that there are no other Districts in the South-Essex area who are bringing forward Core Strategies that seek to over-provide against their own needs so that Rochford can under-provide on its needs.
- 2.39 On the second matter, the District Council's argument ignores the fact that the RSS already takes account of the fact that Basildon, Southend and Thurrock will provide more jobs to the Sub-Region than Rochford, which is why the housing provisions for these areas are already much higher (10,700 at Basildon, 6,500 at Southend, and 18,500 at Thurrock for the period 2001-2021, compared to 4,600 at Rochford and 4,000 at Castle Point) – the adjustment to balance homes and jobs is already made by the RSS.
- 2.40 **Page 14 – Infrastructure** - Other than confirming that sufficient infrastructure can be provided to meet the housing needs of the Core Strategy, this paragraph provides no argument to support a lower provision. The suggestion that other parts of the Thames Gateway might benefit from greater investment in infrastructure in the future is both unfounded and irrelevant.
- 2.41 **Pages 15-16 – Implications of Revocation of the RSS** – Clearly the position has now changed again in respect of the RSS. As outlined in our "with RSS Scenario", it is now once more a legal requirement of Soundness that the Plan be in general conformity with the RSS. The Council's proposed amendments render the Core Strategy not in general conformity, and therefore legally unsound.



**Representations to Core Strategy Schedule of Changes**  
on behalf of Countryside Properties (ID 8650)

- 2.42 We note at paragraph 7.5 the suggestion that the current RSS sets a requirement of 4,750 dwellings between 2006-2021. In the interests of clarity, we should say that we do not consider this to be right. Policy H1 requires 3,790 dwellings 2006-2021, and would have required another 1,000 dwellings by 2025, or 1250 by 2026 (which is when the end date of the Plan now should be, if it is to have a full 15 year life-span).
- 2.43 There is already an inherent under-provision in the Submission Draft Core Strategy against the RSS, caused firstly by the Council's 'rounding down' on the Policy H1 requirement to 250 dwellings per annum from 253 dwellings per annum (see para 4.4 of the original Submission Draft), which results in a shortfall of 40 dwellings, and this has subsequently been compounded by the need to extend the Plan period to 2026 due to the delay in adoption, rendering the shortfall in the original Submission draft to 290 units. As set out in the original submissions by Countryside Properties, there is a need for the growth locations to be expressed as minima, both to accord with the RSS and to address the shortfall.
- 2.44 At paragraph 7.12, the Council confirms that the position in respect of the supply of affordable housing will be significantly worse as a result of the proposed amendments. Although over the longer period to 2031, the Council might argue that largely the same number will be provided, the point is that the need exists now, and in respect of the delivery of affordable housing, the "temporal aspects" to which the Council refers are significant, because of the scale and the urgent need to address the growing problem of affordable housing delivery.
- 2.45 **Page 17 - Implications for green belt release** – Both the original Submission Draft and the proposed changes make provision for 2,785 units as 'extensions to residential envelopes', with the difference being that the former made that provision by 2026 and the latter by 2031. In terms of the actual commitment to Green Belt development, however, both versions are the same, and therefore protection of the Green Belt per se cannot be a justification for the amended provisions.
- 2.46 **Pages 17 – Conclusions** – We deal briefly with the key parts of the conclusions as follows:
- Para 8.1: "There is a very considerable requirement for the delivery of affordable homes". We agree with this.
  - Para 8.4: "The district is limited in its capacity to accommodate new development by environmental and physical constraints". That may well be true, but there is no evidence to show that the level of housing provision put forward in the original Submission draft breached key constraints – indeed, it is evident that the Council does not consider this to be the case either, because it put the Submission draft forward on the basis that it was a 'sound' plan. The Council's statement provides no additional evidence to the effect that a reduction in housing provision is needed because of a breach in environmental or physical constraints, and the suggestion that need can be met elsewhere ignores the fact that the same or similar constraints exist in neighbouring areas.

- Para 8.5: “There is a local housing need” – We agree with this. Local housing need is a function of a variety of factors, not least of which is the impact that internal migration has on the availability and affordability of local housing.
- Paras 8.7 and 8.8 : “Rochford District is clearly not the most sustainable location in the housing market area to accommodate additional housing development” and “Higher levels of new housing are more appropriately directed to other parts of the Thames Gateway.”

We do not agree with these assertions. No proper comparative sustainability analysis of different locations is put forward by the Council. The larger settlements in the District, most notably Rayleigh, are highly sustainable locations to accommodate growth, in terms of the range of jobs and serviced provided, public transport linkages, and relative lack of environmental constraints to growth.

In any event, the Districts that the Council puts forward as being more appropriate in its view for growth are already taking a much larger share of the sub-region’s housing delivery, and it is neither desirable nor appropriate for Rochford Council to under-provide in relation to its needs in the hope that another District might provide more (particularly when these Districts have legitimate concerns of their own).

### **3. End Date of the Core Strategy**

- 3.1 We appreciate that this issue has already been considered by the Inspector in respect of the discussion under Matter 2, but in our view the delay to the Core Strategy as a result of the proposed changes highlights this matter again, since it will no longer be possible to adopt the Core Strategy in 2010.
- 3.2 As well as the requirement under PPS12 for Core Strategies to have a minimum 15 year housing provision (para 4.13), there is also a requirement for all Core Strategies to be capable of effective monitoring (para 4.47 of PPS12), and there are clearly set out national requirements for effective monitoring, which include undertaking assessments against an April base date. The first full year of monitoring after adoption of this Core Strategy will be from April 2011, and a full 15 year period will be April 2011 to March 2026.
- 3.3 Following on from the above, it is becoming increasingly uncertain as to whether the Core Strategy will now be adopted before April 2011. If it is adopted after 1<sup>st</sup> April 2011, the full 15 year monitoring period would be April 2012 to March 2027.

### **4. Phasing (Policy H2)**

- 4.1 A key concern raised by Countryside Properties in their submissions on Matter 2 in respect of the former Policy H2 was that the Greenfield phasing provisions were not deliverable, and therefore Policy H2 was not “Effective”.



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- 4.2 Policy H2 as per the original Submission Draft allocated 775 units to be delivered by 2015 at West Rochford, West Hockley, South Hawkwell and East Ashingdon i.e. all within a few miles of each other, and importantly, all within the same Rochford/Hockley Housing Sub-Market as defined by the SHMA. In addition, it was noted that the results from the Water Cycle Study showed constraints at Rochford WwTW which would preclude major development in that area prior to 2015, and the majority of strategic transportation improvements identified in Policy T2 would also affect the timing and rate of delivery of new homes in the eastern half of the district.
- 4.3 Against those constraints to delivery, it was noted that no Greenfield development was proposed for Rayleigh until post 2015, notwithstanding the fact that Rayleigh is demonstrably the most sustainable settlement, is the most buoyant Housing Sub-Market in the District, and has no short-term infrastructure constraints. It was also noted that there was an absence of evidence to support the reliance of the Core Strategy on the delivery of certain brownfield sites (notably Rawreth Industrial Estate), and that therefore a more flexible approach to the main growth locations was required. In that context, the proposed Phasing in H2 also failed the “Justified” test of soundness.
- 4.4 Rather than addressing the situation identified above, the proposed revisions to Policy H2 (as set out at Appendix CSS2 of the Schedule of Changes) actually makes the situation worse. In the revised H2, the number of homes proposed in the Rochford/Hockley Sub-Market increases to 845 homes (2011-2021), with no major Greenfield release at Rayleigh before 2021, and with the overall quantum of new homes at Rayleigh reduced from 550 in the Plan period to 400.
- 4.5 We accept of course that housing land supply does not only stem from the H2 Greenfield sites, and other land will come forward from the urban areas. There is no doubt however that the main source of new housing will be the Greenfield sites, as the updated housing trajectory at Appendix 1 of the Schedule of Changes shows – 1,386 units are identified to be delivered from non-Green Belt sites by 2026, compared 1,835 dwellings from the Green Belt sites.
- 4.6 Rayleigh is the largest (and most sustainable) town in the district, and it is not surprising therefore that it has the largest share of the urban capacity. We estimate from Appendix 1 of the Schedule of Changes that Rayleigh/Eastwood accounts for around 42%, Hockley/Hawkwell around 20%, Rochford/Ashingdon around 20%, and the remainder at Hullbridge and other rural settlements.
- 4.7 However, the effect of the Policy H2 phasing is to deny any Greenfield growth in the Rayleigh Sub-Market up to 2021, such that it is dependent solely upon its 585 units of urban capacity, whilst over the same period to 2021, the Rochford/Hockley Sub-Market is expected to deliver some 1,390 units (the combined total of the urban capacity and Greenfield sites). Bearing in mind also that 220 of the Rayleigh units fall within Rawreth Industrial Estate, which we have previously identified as being unlikely to be developed at all, the skew in the proposed phasing towards the eastern and more constrained half of the District is even more pronounced.

- 4.8 We are not raising new objections to the overall broad distribution of housing across the District. However, the Phasing provisions of the Plan as set out in Policy H2 still need to be “Justified” in terms of their rationale and “Effective” in terms of actually securing the delivery of the new homes required – in our submissions Policy H2 is neither Justified nor Effective.
- 4.9 There is no technical reason why the West of Rayleigh site should be deferred to post 2021 (as evidenced by Countryside Properties’ own work and the fact that the Council were content to see development by 2015 in the Submission Draft), and the Council has advanced no justification that we are aware of for reducing the scale of development within the Plan period.
- 4.10 We also have to question, in the context of the above but also having regard to PPS12 para 4.46 regarding flexibility, whether or not the Phasing provisions of Policy H2 are in any event unduly prescriptive.
- 4.11 The Core Strategy is required to be capable of dealing with changing circumstances (and should not be dependent upon a review of the Core Strategy to deal with such circumstances). The delivery of sufficient housing remains a central objective, and clearly one of the major uncertainties that may arise is one or more of the Greenfield sites coming forward at the time anticipated, or indeed one or more of the major urban capacity sites not coming forward as expected (e.g. Rawreth Industrial Estate).
- 4.12 At the moment, Policy H2 not only lacks any justification in terms of why certain sites have been phased in the manner proposed, but its prescriptive nature also makes the Core Strategy incapable of responding to changing circumstances that might require either a particular site to be phased later (e.g. due to lack of infrastructure such as appropriate waste water disposal), or which might require one of more sites to be phased earlier to counteract non-delivery elsewhere.
- 4.13 We note that a very similar situation arose during the Examination of the St Edmundsbury Core Strategy, which also proposed a number of different growth locations, with proposed phasing for each location. The Inspector’s Report at paragraphs 13.8-13.9 notes as follows:

*“By spreading growth between a number of strategy locations Policy CS11 provides the opportunity to change course, subject to infrastructure considerations, should unforeseen events occur. However, each of the strategic locations is phased, with growth to the north-west and the completion of the Moreton Hall urban extension proposed from 2011 onwards. Growth to the west would be after 2016 while both north-east and south-east Bury St Edmunds would be developed after 2021 ....However, in my view the evidence base, including the IECA and the IDP, has not demonstrated a clear link between these dates and the timelines for resolving these matters. As result, the CS may be unnecessarily inflexible should there be a need to bring forward one of these locations earlier than anticipated ...I am recommending changes to Policy CS11 that will give an indication of the likely timescale without being prescriptive.”*



- 4.14 We would suggest that similar considerations are relevant here, and in particular we would ask the Inspector to consider the following questions:
- (a) What is the evidence that supports the proposed Phasing in Policy H2, and are the proposed dates for development consistent with that evidence? And
  - (b) Does the lack of flexibility in Policy H2 render the Core Strategy unsound?

## **5. Summary/Conclusions and Changes Required to Achieve Soundness**

- 5.1 Dealing firstly with the “Without RSS Scenario”, the key issue that we would highlight from Topic Paper 3 is the lack of actual evidence being advanced to support the lower level of housing now being suggested.
- 5.2 Topic Paper 3 does identify the chronic need for affordable housing. Generally, its content supports the evidence on housing need already established by the SHMA. The actual level of housing need substantially exceeds not only the revised level of housing suggested in the Core Strategy changes, but indeed exceeds the level of housing required by the RSS in the first place.
- 5.3 Although Topic Paper 3 discusses environmental and physical constraints, there is no suggestion that the Core Strategy as originally submitted breached some measurement of finite capacity, nor is there any consideration as to the constraints that similarly exist in neighbouring areas.
- 5.4 The Council’s main focus appears to be an argument that other Districts may be better placed to take Rochford’s growth, but there is no analysis of either the ability or the likelihood of any District being able to do so, and of course no recognition of the fact that Rochford’s neighbours are already having to deliver higher levels of new housing anyway.
- 5.5 The Council seeks to rely on the March 2010 Draft RSS as ‘evidence’, without considering either the actual evidence that underpins that document, or seeking to explain why it should be held to be more relevant in terms of the determination of an appropriate level of housing than the Council’s own local evidence base.
- 5.6 The Council also seek to rely on the Draft RSS of 2010 as providing its ‘Option 1’ figure, but our evidence suggests that it is the Draft RSS of 2004 that would be relevant (although we have to say in either event reliance on an ‘Option 1’ figure without analysis of the evidence to support it would fly in the face of the ‘Justified’ test of soundness in PPS12).
- 5.7 For all of the above reasons, we do not consider that the revised housing provisions are “Justified”, having regard to the evidence.
- 5.8 Turning to the current “with RSS Scenario”, much of the above debate becomes largely academic whilst the RSS exists, because of the legal requirement for a Core Strategy to be in general conformity with the RSS. The continued invitations



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by the Secretary of State to disregard the RSS cannot over-ride that basic legal requirement, and therefore such statements can carry no weight in the assessment of 'Soundness'.

- 5.9 In respect of the end date of the Plan, compliance with PPS12 suggests the end date must now be at least March 2026, since the Core Strategy can no longer be adopted in 2010.
- 5.10 In terms of the proposed revisions to Phasing set out in Policy H2, in the period up to 2021, the proposed Phasing provisions effectively serve to stifle development in the western half of the District in the Rayleigh Sub-Market area, despite the fact that the evidence base shows this to be the most buoyant housing sub-market and the one subject to the least technical/infrastructure constraints, whilst focussing the vast majority of new development up to 2021 in the more constrained (and less sustainable) Rochford/Hockley Sub-Market. Accordingly, it is submitted that the Phasing provisions of the amended Policy H2 are neither "Justified" nor will they be "Effective" in delivering the reduced number of homes proposed.
- 5.11 Further to the above, if the Phasing provisions are retained in Policy H2 as per the Proposed Changes, then there is still in any event in our view a need for the policy to recognise that the proposed phasing is indicative only, and that flexibility exists for the phasing to be amended should circumstances change.

**Changes required to achieve 'Soundness'**

- 5.12 In terms of the changes required to make the Core Strategy Sound, we would suggest that the first requirement is for the Core Strategy Schedule of Changes to be discarded in their entirety, since at the likely date of adoption, the RSS will still be in existence.
- 5.13 Additionally, we would commend the changes suggested in the original Matter 2 representations by Countryside Properties in respect of the use of 'minima' terminology for the growth locations, and the revised phasing put forward, to accord with the RSS, to provide the requisite flexibility in terms of delivery, and to deal with the shortfall in housing provision inherent in the original Submission Draft.
- 5.14 If, notwithstanding these submissions, the amended level of housing provision set out in the proposed changes is accepted, then our submissions regarding the unjustified phasing and lack of flexibility in the Core Strategy regarding phasing remain, as per our comments under our fourth main topic above.