

SPECIAL DELIVERY AND EMAIL

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18293/A3/EH

18 January 2010

Dear Sir/Madam

**ROCHFORD DISTRICT COUNCIL CORE STRATEGY
MATTERS AND ISSUES FOR THE RESUMED EXAMINATION, FEBRUARY 2011**

We act on behalf of Bellway Homes Ltd (Bellway) who control some 33.45 ha of land to the west of Rochford. 'Land to the West of Rochford' has been identified by Rochford District Council (RDC) as a location for housing development in the Submission draft of the Core Strategy Document Plan Document (DPD) (see policy H2 and Appendix H1). Bellway support the identification of the site and have appeared at previous hearing sessions of the Examination of the Core Strategy.

Following submission of representations to RDC in November 2010 pertaining to the Core Strategy Schedule of Proposed Changes, the Inspector has issued a set of 'Matters and Issues for the resumed Examination'. The resumed hearings are planned for 1 – 3 February 2011. Comments have been invited by 18th January.

Bellway consider the overarching issue is the effect of the reinstatement of the East of England Plan (EEP) and the relevance of the RDC proposed changes. The plan must demonstrate how the Government's intended revocation of the EEP can be accommodated. The issues that Bellway consider must be addressed by the Inspector are therefore as follows:

1. Does the Core Strategy need to reflect the housing requirement of the EEP?
2. If so, what is the status of the proposed changes and can the Inspector revert to the as submitted version?
3. If yes, then is the Core Strategy flexible and can it respond to future changes?

We have some sympathy with the position that the Council now finds itself in. The Core Strategy as submitted was prepared in response to the EEP. Following the Secretary of State's decision to revoke the EEP, the Council published proposed changes to the submitted draft, and proposed to adopt the figures in the emerging draft review of the EEP as per the advice set out in the Question and Answer Guidance (Point 12) attached to the CLG letter to Chief Planning Officers dated 10 July.

The spatial strategy remained as submitted, with the focus on the three main towns of Rochford, Rayleigh and Hockley/Hawkevell. The principle effect was to extend the plan period to 2031 (rather than 2026) whilst maintaining the broad level of development, albeit over an extended time period.

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18293/A3/110118 FINAL Matters and Issues

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The revocation of the EEP has now been held to be unlawful (see *Cala Homes*) and accordingly, at the present time, the EEP forms part of the development plan. PPS12 requires the Core Strategy to be in "general conformity with the EEP" and it is therefore this document to which the emerging Core Strategy ought to respond.

Accordingly, the submitted draft of the Core Strategy (as now proposed to be amended), is no longer in general conformity with the PPS12 para 4.44 requires the Core Strategy to be flexible and the Government has published proposals to abolish RSS and hence the EEP by way of statute.

The weight to be attached to the Localism Bill in considering the soundness of the Core Strategy is of course a matter for the Inspector. However, we would suggest that response to the Government's intended changes to the planning system lies in the need for the Core Strategy to be sufficiently flexible. Given that the response of the Council was to maintain the quantum of development and broad spatial strategy, but to reduce the rate of delivery, such flexibility ought to be capable of being secured through the monitoring and management of the housing trajectory through Policy 13 and the Annual Monitoring Reports.

In summary, the Core Strategy was submitted in conformity with the EEP at the beginning of 2010. Following revocation of the RSS in May 2010, the Council proposed changes to the Core Strategy in line with the guidance provided by the CLG. However, since the *Cala Homes* High Court decision in November 2010, the proposed changes put forward would result in the Core Strategy not conforming to the EEP. If reported to the Secretary of State in its current form, the Core Strategy cannot be found sound although we understand the Inspector can analyse the 'as submitted' version which does conform with the EEP.

The question of flexibility is raised and Bellway are confident that in the event the EEP is again revoked, the plan can be adapted to accommodate any changes, specifically to length of the plan and delivery of housing in strategic growth locations.

The above outlines Bellway's overarching position and the following addresses the Inspector's identified matters and issues.

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 EoEP, and are there any local circumstances that would justify any lack of conformity**

Bellway's position with respect to this issue is set out above.

- 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? This issue may be informed by the High Court judgment on the *Cala Homes* case, which is expected in January.**

Bellway's position with respect to this issue is set out above.

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?**

Through the SHLAA and initial call for sites identification, Bellway are content that the identified strategic locations for growth are available (the sites are available now), suitable (the sites offers a suitable location for development now and would contribute to the creation of sustainable, mixed communities) and achievable (there is a reasonable prospect that housing will be delivered on these sites).

b) Is there sufficient justification for using Option 1 figures from the EoEP 2031?

Bellway's position with respect to this issue is set out above.

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

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?

With respect to point c) and d), notwithstanding the physical and environmental characteristics of the District, there is still a local housing need and the new household projections contained in Topic Paper 3 indicate that substantial Green Belt releases are still required to meet the 'Option 1' requirements. The Core Strategy states that Green Belt releases will amount to 2,745 units.

The continuing need for housing, either as per the EEP, or as proposed by RDC in the adoption of Option 1 figures, demonstrates the need for the release of Green Belt land to meet that need. The potential revocation of the EEP will simply change the rate of release.

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

With regard to the location and supply of new homes, Bellway note that the location of new homes and the proposed strategic growth areas are the same irrespective of the proposed changes. The only change is to the delivery of homes. If the RSS is abolished, Bellway are confident that the Core Strategy is flexible enough to take account of this change as indicated above.

3) SUSTAINABILITY

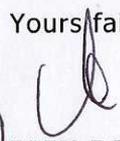
Bellway do not consider the suggested changes would adversely impact on sustainability and make no further comments on this matter.

Next Steps

We understand the Inspector will finalise dates for the Hearing Sessions in the next two weeks and we look forward to receiving the agenda.

We trust this statement will be considered appropriately.

Yours faithfully


IAIN PAINTING
Partner