

Ms Lissa Higby
Council Offices
South Street
Rochford
Essex
SS4 1BW

19 July 2010

DC/08/256/01
BY POST/EMAIL

Dear Ms Higby,

**ROCHFORD SUBMISSION CORE STRATEGY – EXAMINATION IN PUBLIC
RESPONSE TO CORRESPONDENCE RE PROPOSED REVOCATION OF THE EAST OF ENGLAND PLAN**

Further to the receipt of the letter from the Inspector regarding the implications of the proposed revocation of the RSSs and the alterations to PPS3, we write to confirm the response of Colonnade Land LLP (Colonnade).

a. Background

As you will be aware, we have acted for Colonnade throughout the preparation of the Rochford Local Development Framework and most recently throughout the Core Strategy Examination in Public. In this context, we have been involved in the planning process in Rochford for a considerable length of time.

Furthermore, Colonnade has been advised on a range of matters, including the soundness of the Core Strategy and other housing matters by Peter Village QC.

It is in this context that the response to the issues raised by the Inspector are set.

b. Revocation of the RSSs

Whilst we are aware of a potential challenge from within the housing industry to the legality of the revocation of the Regional Spatial Strategies (RSSs), based on the fundamental premise that the requirement for a Regional Spatial Strategy is not expressed in discretionary terms in the Local Democracy, Economic Development and Construction Act 2009 and the provision of the act cited as the basis for proposed revocation is clearly not intended as a route to permit the abolition of RSSs altogether, it is clearly the intention of the Government to sweep away the regional tier of planning policy. Similarly, whilst other provisions of the act put in place statutory requirements to produce a replacement RSS where an individual RSS is revoked, there is no timescale for the provision of replacement plans to guide the formulation of local policies.

Cont. 2...

Set in this context, it now falls to the Council to confirm whether it intends to carry through the level of housing growth set out in the adopted East of England Plan – that being 4,600 net additional new dwellings in the period 2001-2021 and 250 dwellings per annum thereafter, or whether it intends to identify its own targets.

If it intends to stick by the current targets, which for the sake of clarity are the same as the 'Option 1' targets, then the representations submitted by Colonnade to date remain a material consideration in the assessment of the soundness of the Core Strategy.

If it intends to produce its own targets, then the Core Strategy process must, in the interests of fairness and reasonableness, be held in abeyance whilst the transparent and reliable evidence base to justify its targets is prepared and scrutinised at each stage of its preparation by all relevant stakeholders, including those active in the Core Strategy process to date.

It is significant that the guidance issued on 6 July 2010 regarding the proposed revocation of the RSSs confirmed that Council's which propose to prepare their own targets for housing delivery, as well as ensuring the evidence base for the numbers is transparent, reliable and subject to scrutiny, should:

“...quickly signal their intention to undertake an early review so that communities and land owners know where they stand.”

We await the response from the Council as to its intentions regarding housing targets and reserve the right to comment further on the clarification of its position.

In advance of the above clarification by the Council, it is significant to note that one of the principal arms to the case put forward by Colonnade to confirm why the Core Strategy in its current form is unsound relates to the assessment of alternatives, particularly in the context of the proposed broad locations for housing growth. As a direct result, Colonnade has questioned whether the Strategic Environmental Assessment (SEA) process has assessed all of the potential alternatives. Put simply, Colonnade does not consider the distribution of housing has been adequately or fully considered through the Council's SEA process, as suitable alternatives were dismissed prior to their assessment. This objection has been maintained by Colonnade throughout the Core Strategy process.

It is also significant that the East of England Plan was subject to SEA and was subsequently adopted. Through this process, it confirmed that the level of housing set for each district was, through the process of consultation, assessment and examination, sustainable.

c. Changes to PPS3

The change in classification of backlands/gardens and the abandonment of the minimum housing density targets will act to further enhance the need to identify additional housing sites through the planning process. Quite simply, the Council will not be able to rely to any extent on the delivery of windfall sites and will not be able to rely on the delivery of a minimum level of housing on those broad locations for housing growth that it has identified to date.

The logical conclusion arising from both of the changes to PPS3 is the need to identify further reservoirs of housing land to allow for sufficient housing growth without the comfort of delivery on windfall sites or minimum targets on those areas identified.

d. Conclusion

In conclusion, therefore, taken alone the proposed revocation of the East of England Plan or the changes to PPS3 are considered to present issues of sufficient magnitude to warrant the suspension of the examination. Depending on the position adopted by the Council regarding the housing delivery targets, it may be necessary to abandon the Core Strategy in its current form entirely.

Cont.3...

In the absence of this clarification from the Council it is untenable to continue with the examination of the Core Strategy.

Should you have any queries relating to the above, then we would be pleased to provide further clarification. We would be grateful if you were to provide confirmation of the Council's position on the above issues and the views of the Inspector on the further progression of the examination. Finally, we would also be grateful for confirmation that this letter has been received and passed to the Inspector for consideration.

Yours sincerely,

David Churchill
DIRECTOR

cc. Andrew Yeardeley – Stratland Management Limited, p.p. Colonnade Land LLP