



Ref: KC/1027

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Dear Lissa

**Rochford Core Strategy: Invitation for comments on implications of draft NPPF**

I refer to the Inspector's invitation for comments on the above document, and I set out below our comments on behalf of our clients, Countryside Properties (respondent ID 8650).

We have previously objected to the phasing provisions in Policy H2, and these were set out in detail in paragraphs 23-34 of our Matter 2 Hearing Statement (attached for ease of reference).

Specifically, we have raised concerns that it is inappropriate for Policy H2 to be seeking to delay the strategic growth area West of Rayleigh (even though Rayleigh is without dispute the largest and most sustainable settlement), and in the alternative seeking to accommodate all of the short-term new housing growth on the eastern side of the District around Hockley, Ashingdon and Rochford.

This is despite the fact that the Core Strategy and its evidence base identify short-term constraints on the eastern side of the district, including:

- Strategic transport limitations (Core Strategy Policy T2 shows the main strategic highway requirements are to the east);
- Foul drainage capacity limitations (Water Cycle Study);
- Over-reliance on new housing in a single sub-regional housing market (SHMA).

Conversely, no such technical constraints are revealed in the Evidence Base in terms of West Rayleigh.

The skewed geography of new housing is not balanced out by the availability of existing urban sites. Even taking account of the potential for short-term housing within the existing urban area of Rayleigh, there is still a disparity in provision, with Rayleigh delivering a lower share of growth in the short-term.

This is the context in which we turn now to consider the provisions of the draft NPPF.

The draft NPPF makes clear that the purpose of the Planning System is to get on and deliver sustainable development, not to seek to prevent it or delay it needlessly. In the Forward to the document (10<sup>th</sup> paragraph), the Government states clearly:

*“Development that is sustainable should go ahead, without delay - a presumption in favour of sustainable development that is the basis for every plan, and every decision.”*

This message is expanded upon in paragraphs 13 and 14, where the NPPF advises:

*The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth ... Planning must operate to encourage growth and not act as an impediment ... Local planning authorities should plan positively for new development, and approve all individual proposals wherever possible.”*

Similarly, under the “Core Principles” section, the second bullet of paragraph 19 explains:

*“Planning should proactively drive and support the development that this country needs. Every effort should be made to identify and meet the housing, business, and other development needs of an area, and respond positively to wider opportunities for growth. Decision-takers at every level should assume that the default answer to development proposals is “yes”, except where this would compromise the key sustainable development principles set out in this Framework”.*

The positive approach to delivery new development to help the Country recover from the recession is neatly summed up in the approach to development management at paragraph 54, wherein Local Planning Authorities are encouraged to:

*“... approach development management decisions positively – looking for solutions rather than problems so that applications can be approved wherever it is practical to do so”.*

Returning to Policy H2, the original justification for the split of sites between pre and post 2015 as set out in the policy is to maintain a 5 year land supply. However, under the NPPF, Local Planning Authorities are now being required to maintain a minimum of a 5 year land supply plus 20%, and therefore there is immediately a need to draw down more land in to the earlier period in order to accord with the thrust of NPPF policy at paragraph 109 regarding “*significantly increasing the supply of housing*”.

As two recent appeal decisions have shown, there is already a current shortfall in the Council's 5 year land supply, and against the NPPF's requirement for a 5 year supply plus 20% there is of course an even greater need for the early delivery of new sites.

The strategic development identified in the Core Strategy west of Rayleigh could commence earlier than 2015, if the Core Strategy were not seeking to constrain its timing. There is no technical justification for holding development back until 2015 – no constraints on transportation infrastructure, no constraints on utility supplies, no constraints on foul drainage (indeed, as set out in opening above and in our previous submissions to the Examination on Policy H2, such constraints as are identified in the evidence base actually affect the eastern half of the district, not the western half). Even if the Inspector were unsure on the matter of technical limitations, any such constraints that might exist would in any event be identified as part of any planning application process, or through the Site Allocation process.

In the context of the NPPF, the shortfall in the immediate land supply, and the lack of technical constraint, what harm would actually arise if implementation of development West of Rayleigh were to commence in 2014, or even 2013? What purpose ultimately does this phasing provision serve, other than to act as an arbitrary impediment to delivering sustainable development?

In the context of the NPPF (and even notwithstanding our previous objections regarding the lack of evidence or justification to support the phasing shown in Policy H2), what, in short, is the clear justification for saying “no” rather than “yes” to development in this instance?

The strategic development at West Rayleigh is without doubt a sustainable development proposal (which is why it is in the Core Strategy in the first place). Since the NPPF supports sustainable development, and supports sustainable development occurring as quickly as possible, we can see no justification at all for retaining the phasing restrictions in Policy H2, and as a consequence the retention of the H2 phasing is unsound in respect of national policy to the contrary.

Specifically, we suggest:

(1) That the first sentence of the policy be amended as follows:

The residential envelope of existing settlements will be extended in the areas set out below and indicated on the Key Diagram, to contribute to the ~~a five year~~ supply of housing land in the period to 2015, ~~and between 2015 and 2021~~;

(2) That the Policy contain a single column headed ‘Dwellings by 2021’; and

(3) That paragraph 4.21 be deleted, since it is inappropriate and unjustified. However, if need be, it could be retained, since with the retention of post-2021 housing sites in Policy H3, no inconsistency within the plan is created if 4.21 is retained. Similar considerations apply to paragraph 4.22 – it could be retained in the context of the phasing of the post 2021 sites, but equally it could be deleted (particularly since the evidence base does not support the specific comment regarding water infrastructure, and indeed ironically the Water Cycle Study actually undermines the proposed phasing by the Council as previously explained).

Yours sincerely



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cc Mr Steve Price – Countryside Properties PLC  
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**MATTER 2 – LOCATION AND SUPPLY OF NEW HOMES**

**FURTHER WRITTEN STATEMENT BY**

**COUNTRYSIDE PROPERTIES (REF 8650)**

**Policy/Paragraph/Reference from Core Strategy:**

**Policy H1 - page 42**

**Policy H2 – page 44**

**Policy GB1 – page 67**

**ENV9/ENV10 – Page 84**

**Para 8.43 – Page 84**

**(Representations 16204, 16242, 16212, 16216, 16221, 16243, 16244)**

## **Introduction**

1. This additional statement is submitted by Countryside Properties in response to those questions raised by the Inspector under Matter 2 that relate to matters raised by Countryside Properties in its representations to the Core Strategy at Pre-Submission stage.

### **Question 2(a) – Will the strategy deliver the number of new homes required to meet the RSS requirements?**

2. The short answer to this question is no, for the following reasons.
  - (i) The Core Strategy fails to carry forward the RSS “minimum” requirement, and there is accordingly a policy deficit in the housing provisions; and
  - (ii) The Core Strategy is reliant upon a number of ‘brownfield’ sites that will not deliver in the Plan period (or possibly at all), and it has no flexibility to counter for this shortfall.
3. In respect of the first matter above, the Inspector will be aware that Policy H1 of the adopted RSS states that “District allocations should be regarded as minimum targets to be achieved, rather than ceilings which should not be exceeded”. To exceed 4600 dwellings by 2021 is to comply with the RSS, and to fall short is to be in conflict with the RSS.
4. There is no disputing the RSS residual requirement of 3,790 dwellings 2006-2021. Paragraph 4.6 and the accompanying table on page 39 of the Core Strategy show a proposed housing supply, based on all existing completions to date, all extant planning permissions, and all allocations/SHLAA sites of just 2005 units (1,499 units 2006-2015 and 506 units 2015-2021).
5. To add to this figure, the Council proposes 1,745 units within the Green Belt up to 2021 (751 up to 2015 and 994 up to 2021), making a grand supply total of 3,750 units, 40 units below the minimum. Although Policy H2 corrects this discrepancy by increasing the Green Belt yield to 775 units to 2015 and 1010 units to 2021 to make up the shortfall, the land supply information shows that the Core Strategy is actually based on achieving a maximum of 3,790 dwellings by 2021, since that figure can only be reached if 100% of the identified supply is realised.
6. There is moreover no mention of the housing requirement being a minimum target in either H1 or H2. There is as far as we are aware only one reference to minimum in the context of these policies, which is at paragraph 4.17, and which essentially makes clear that this Plan does not intend to treat the RSS requirement as a minimum, because of the Green Belt.
7. The need for the East of England Plan minimum requirement to be overtly expressed in Core Strategies was identified by the Inspector in the report on the Colchester Core Strategy. In that case, the Inspector noted at paragraph 7.35 of the Examination Report that:

“ ... in order for the CS to be sound in terms of conformity with PPS3 and the EEP (test 4), changes are needed to policy SD1, table H1a and related text to make clear that the 19,000 dwellings is a minimum not a ceiling ...”

8. Since this Core Strategy neither makes provision in practical terms for a minimum requirement nor recognises the need to do so (without qualification and unequivocally), it is inconsistent with the RSS and PPS3.
9. Turning to the second issue we identify (that of reliance on sites that will not come forward in the Plan period), we raised in our original representations concerns regarding the availability and deliverability of both the Stambridge Mills and Rawreth Lane Industrial Estates, which together provide just under 500 units in the Council's SHLAA. We have also subsequently become aware of the representations from the owner of the Foundry Industrial Estate in Hockley, relating to the potential lack of availability of that site, which may also be relevant.
10. The Inspector will be well aware of the objections made on Flood Risk grounds to the Stambridge Mills proposal. Even if an exception can be justified under PPS25, 250 homes at a density of just under 140 dph is a very high density for a site in such a relatively remote location (page 120 of the Core Strategy gives the site area as 1.8ha). It is difficult to see how this intensity of development is justified, when the recommended density for town centres is only 75+ dph.
11. In respect of Rawreth Lane Industrial Estate, we raise in our separate statement under Matter 4 our concerns in respect of the impact on employment. Since the Core Strategy seeks for the existing employment to be replaced West of Rayleigh, it is in any event difficult to see how reallocation of this site for housing reduces Green Belt land-take, since the replacement employment must be in the Green Belt. However, as set out in our original submissions, our primary concern in relation to housing supply is that there is no evidence to support the contention that the site is deliverable, but there is evidence (multiple landownership, multiplicity of tenants/occupiers, costs involved in site assembly and decontamination) to suggest that it would not.
12. The problem for the Core Strategy is that if only one site identified in the SHLAA fails to come forward as expected within the Plan period, there is zero flexibility in the identified land supply. There are serious question marks in respect of the two most significant PDL allocations as identified above, and no contingency arrangement in the Plan to deal with one or more SHLAA sites (or indeed one of the Greenfield sites) not coming forward as anticipated.
13. PPS12 paragraph 4.46 provides guidance on flexibility. This Core Strategy has no contingency arrangement to fall back on should one or more major sites fail to deliver as expected. The only recourse in the event of a site such as Stambridge Mills or Rawreth Lane not coming forward would be to revisit the Core Strategy itself, which is exactly what paragraph 4.46 advises against, and which would be particularly inappropriate in this case given the fact that the purpose of such a review would be to have a second amendment to the Green Belt boundary in a short space of time, creating conflicts with PPG2 as well as PPS12.

**Question 2(b)(i) - Is the Core Strategy consistent with PPS3 in respect of ... housing delivery for at least 15 years from the date of adoption?**

14. Our answer to this question is no, for the same reasons given above in relation to Question 2(a).

**Q2(b)(ii) Bearing in mind that Green Belt releases may be necessary, does the CS provide the appropriate context and give adequate guidance for a subsequent site allocations DPD readily to identify the land needed without having to re-visit strategic considerations?**

15. In our separate statement to Matter 1 (Question 1C), we noted that a degree of greater specificity on the Key Diagram would be beneficial.
16. We have also raised in our answer to Question 2(a) above our concern regarding the lack of flexibility in the Council's land supply position. In reality, given the constraints on capacity within the urban areas, the only source of flexibility in supply will come from the proposed Green Belt urban extensions.
17. Our concern in relation to Green Belt is that Policy GB1 sets a wholly inappropriate strategic context for the subsequent Site Allocations DPD in terms of the role of that latter document in setting a revised Green Belt boundary.
18. PPG2 provides the relevant guidance, and paragraphs 2.8, 2.12 and Annex B are particularly relevant.
19. Paragraph 2.8 notes that if boundaries are drawn excessively tightly around existing built-up areas, it may not be possible to maintain the degree of permanence that Green Belts should have, and that such an approach devalues the concept of Green Belt and reduces the value in Plans making proper provision for necessary development in the future.
20. Paragraph 2.12 in respect of Safeguarded Land confirms that any proposals affecting Green Belts must relate to a longer timeframe than for other aspects of the Plan, i.e. in this case, beyond 2025. There is a positive requirement (as opposed to an optional choice) on Local Planning Authorities to address the need for Safeguarded Land when reviewing Green Belt boundaries, and there is a need to be certain that Green Belt boundaries will not need to be reviewed at the end of the Plan period. The RSS provides a strategic context for this consideration, since H1 makes clear that the same rates of provision should continue after 2021.
21. The stipulation in GB1 that the Council will "allocate the minimum amount of Green Belt land necessary" restricts the Site Allocations DPD to only considering the quantum of land required up to 2025, and therefore completely ignores the requirement in PPG2 to set a long-term, permanent Green Belt boundary that will not need to be altered at the end of the Plan period.
22. The Green Belt is not a mechanism by which land is released for development on a 'hand to mouth' basis – its essence is its permanence. There are exceptional circumstances arising from the RSS development requirement to review the inner

Green Belt boundary, but this should be a one-off review that re-establishes a permanent Green Belt for the future, which is capable of accommodating development requirements beyond the Plan period without needing to change. The Core Strategy should not fetter the Site Allocations DPD in undertaking that proper long-term view.

**Question 2(b)(iii) – Is there sufficient flexibility, and will the Core Strategy deliver a continuous supply of housing land?**

23. In relation to the first part of this question in relation to flexibility, the answer is no, for the various reasons given above, namely:
- (i) There is no flexibility on the land supply side, with 100% of existing commitments and SHLAA sites needed to meet even the RSS minimum, and no apparent flexibility at the growth locations;
  - (ii) There is no flexibility on the policy side, in terms of giving unequivocal expression to the RSS “minimum” requirement;
  - (iii) There is no flexibility expressed at the Green Belt growth locations, either in terms of quantum of development or phasing.
  - (iv) There is no flexibility for the longer term, due to the inappropriate wording of GB1.
24. In relation to the matter of continuous supply, our representations raised two main issues, being firstly the lack of any recognition of a 5 year land requirement under PPS3, and the inappropriate phasing proposed under Policy H2.
25. In relation to 5 year land supply, we do not re-iterate the comments made in our original submissions. Policy H1 should make clear that the Council will make sufficient land available to ensure a 5 year land supply in accordance with PPS3, and demonstrate how this will be achieved.
26. Turning to Policy H2, we have major reservations regarding the appropriateness of the proposed phasing in Policy H2, in terms of the specific Greenfield locations identified for development prior to 2015. Having regard to the Council’s evidence base, we would make the following comments.

Thames Gateway South Essex Strategic Housing Market Assessment

27. All of the 775 units proposed fall within the same broad housing sub-market identified in the SHMA. The table at page 20 of that document identifies the primary sub-markets as Thurrock, Basildon and Southend, and within Rochford District, it identifies Rayleigh and Rochford/Hockley as separate Secondary Sub-Markets.
28. The house building industry operates on the basic premise that houses are only built as quickly as they can be sold, and therefore the delivery of new homes is dependent upon the size of the catchment market for buyers. All of the 775 homes proposed in the Rochford/Hockley sub-market will effectively be competing with each other for the same house-buyers, which will inevitably impact upon the speed



of delivery. At the same time, H2 currently proposes no Greenfield development pre-2015 in the more buoyant sub-market of Rayleigh (as evidenced both by our experience and by the SHMA in terms of property prices).

29. The concentration of all of the 'early-release' Greenfield sites in the Rochford/Hockley secondary sub-market is therefore not conducive to delivery or a continuous supply of housing, according to the evidence in the SHMA.

#### Essex Thames Gateway Water-Cycle Study Scoping Report

30. Although still a work in progress, one of the substantive findings of the Water-Cycle Study (Section 6.3, see in particular Page 46) is that there is no spare capacity at Rochford WWTW, and capacity issues will need resolving post 2015, as well as potential issues at Rayleigh East WWTW. Conversely, there are no capacity issues at Rayleigh West WWTW.
31. It is difficult to see how it is appropriate to concentrate the vast majority of new development pre-2015 at locations where foul drainage capacity is restricted until post 2015.

#### Policy T2 Highway Improvements

32. Policy T2 identifies a number of highway projects that the Council intends to achieve to resolve matters of existing highway congestion, road flooding, and poor signage. It will be apparent that the majority of highway improvements identified are either locationally specific to Ashingdon/Rochford (Brays Lane, Ashingdon Road, Rectory Road) or Hockley (Spa Road/Main Road), or the B1013 which links Rochford and Hockley to Rayleigh.
33. Given the existing constraints on the network and the difficulty of east-west links highlighted by the Council in the Core Strategy, it is difficult to see how concentrating all of the major early land releases at the locations most in need of strategic highway improvements will be conducive delivery.
34. For all of the above reasons, Policy H2 does not present an effective policy that will facilitate a flexible and continuous supply of new homes, in accordance with PPS3.

#### **Question 2(c) – Are the broad locations identified for the supply of new housing the most appropriate when considered against all reasonable alternatives?**

35. In relation to Rayleigh, we consider the answer to the question is Yes. We have set out in our previous representations why we consider West Rayleigh to be the most appropriate urban extension location.

**Question 2(f) – Is there adequate evidence of local circumstances that both warrant and allow the introduction of local policies in relation to CSH and BREEM standards?**

36. We do not consider that any substantive evidence has been advanced to justify a different approach in Rochford to national standards.
37. As well as not being justified, we set out in our original submissions are further concerns regarding the effectiveness of such an approach, and the difficulties it will entail. In summary, these include:
  - It is important that improvements in building performance are not undertaken at the expense of housing delivery (see “Building a Greener Future Policy”). Advancing CSH requirements above national requirements at a time of subdued viability has obvious consequences for short-term land supply (and as set out in our representations to H1, the 160 per annum that Rochford achieved 2001-2006 was already one of the lowest rates in Essex);
  - National policy and standards are subject to constant and rapid review. Setting local standards may actually render the Core Strategy obsolete or at least fundamentally at odds with national policy in a short period of time;
  - Technical difficulties with implementing the higher code standards (for example in relation to water conservation and surface water run-off) have started to emerge, as set out in our original submissions.

## Summary/Proposed Amendments to the Core Strategy

As set out in our original submissions, a number of amendments to the Core Strategy are required in the light of the above, including:

- Policies H1/H2 – Lack clarity/specificity in terms of PPS3/RSS housing requirement for 5 year and 15 year period. Fail “Effective” test. Changes required are:
  - Clear recognition that RSS requirement is a ‘minimum’, and all figures in H1 and H2 should be identified as such (as well as reference to minimum in ‘headline’ figures, Colchester’s policy contains a footnote to say “The figures shown are intended to be minimum numbers. The dates shown are subject to change should monitoring prove this is necessary” – we commend this addition;
  - Policy H1 should recognise the need for a 5 year land supply, and set out how 15 year requirements are to be met, specifically by including a table along the lines set out on pages 39/40;
- Policy H2 phasing fails “Justified” test for reasons set out above, and “Effective” test in terms of delivering the housing supply therein, again for the reasons set out above. The phasing in Policy H2 should be amended to ensure a balance of early delivery between the Rayleigh and Rochford/Hockley Sub-Markets (with a similar caveat on minimum numbers/timing as above – these minimum figures will help create flexibility in the event of the need for a contingency approach. Change H2 to show 250 units north of London Road by 2015, and 300 post 2015. Adjust provision elsewhere (e.g. west Rochford) to compensate.
- Policy GB1 should be amended to remove the reference to ‘minimum amount’ – contrary to PPG2 so fails “National Policy” test as well as “Effective/Justified” tests. In respect of the latter tests, there should be flexibility for the revised Green Belt boundary, to be established through the Site Allocations DPD process, to provide for long-term development requirements, in accordance with PPG2. Removing the “minimum amount” reference should assist with this;
- No minimum targets for CSH/BREEM should be included, in preference to reference to national requirements (fails ‘National Policy’ test and ‘Justified’ test). Delete para 8.43. Delete all of ENV9 after 2<sup>nd</sup> sentence. Delete ENV10 or revise to exclude specific criteria.