



Ms Laura Graham
c/o Ms L Higby
Core Strategy Programme Officer
Planning Department
Rochford District Council
South Street
Rochford
SS4 1BW

5th October 2011

Our Ref: 1024

Dear Ms Graham,

**CORE STRATEGY EXAMINATION: FURTHER REPRESENTATIONS ON
BEHALF OF FAIRVIEW NEW HOMES LTD**

PROPOSED MINOR AMENDMENTS TO THE SUBMITTED CORE STRATEGY

**IMPLICATIONS OF THE PUBLISHED DRAFT NATIONAL PLANNING
POLICY FRAMEWORK ON THE SUBMITTED CORE STRATEGY**

The above matter has reference.

We write in response to the recent invitation by yourself to provide further representations to the soundness and legal compliance of the proposed minor amendments, and, to respond to the implications of the recently published Draft National Planning Policy Framework (NPPF) for the Core Strategy examination.

We do acknowledge that you have requested that further representations on the minor amendments relate solely to the soundness and legal compliance of the proposed minor amendments, and we endeavor to keep our comments as

focused as possible, however, in this context, you will recall that to date, we have submitted numerous representations on behalf of our client, Fairview New Homes Ltd, and notwithstanding the 'further representations' below, we would request that you continue to consider all previous submissions.

Given our clients' interest in land to the 'South West of Rayleigh' as being a suitable location for future housing development, our comments relate primarily to the implications of the minor amendments in this context.

Firstly, we would support the fact that although the Core Strategy does not cover the plan period requirement of 15 years, given the delay in its adoption, that Rochford District Council has committed itself to an early review to ensure that it covers the required period. We would however suggest that this is more definitive, in so far as the review should cover specific matters, such as housing delivery. However, our main concerns are that the proposed locations for extension to residential envelopes, will not in our opinion deliver the short term housing need, or indeed, the full plan period requirement.

With respect to the Council's decision to pursue the 'strategic' location of 'North of London Road, Rayleigh' this does not in our view allow the delivery of much needed housing that would conform to the requirements and tests of PPS3.

It is concerning that Rayleigh, a Tier 1 settlement, has no strategic delivery in the first 5 years of the plan period. Although there is now an inherent disparity between the first 5 years of the 'plan period' and subsequent 'periods' (given that the adoption of the Core Strategy - if found sound - will be 2 years into the 'plan period', earlier comments made on behalf of our client concluded that the objectives of PPS3 *para 54*, of ensuring that land to be delivered in the first 5 years of the plan (and indeed, in years 6-10) should be deliverable, have not been met.

We note that to be considered 'deliverable', sites (or general locations) should at the point of adoption of the plan be available, suitable and achievable. We continue to question the evidence base that leads the Council to this conclusion.

On this point, the Council is totally reliant on the 'Land North of London Road' to deliver 550 units, where it is acknowledged that this site is subject to flooding, requires relocation or grounding of high voltage overhead power lines, is located further away from Rayleigh than other alternatives, and will require significant infrastructure to be delivered, before the housing can be delivered.

When this is considered in light of PPS3 *paras' 52 and 60*, Councils are required to take a flexible approach that will ensure a continuous 5 years supply is maintained. Our Client has now long argued that this flexibility is not present in the Core Strategy, even considering the proposed minor amendments.

We specifically note that the Council have favoured a location for development in a Tier 1 Settlement, which is less sustainable than other alternatives considered, is frustrated by environmental considerations, and will be reliant on significant infrastructure to ensure delivery – to which we are sure the Inspector is aware of the infrastructure issues associated with West Rayleigh. Taking this in light of the recently published Draft NPPF, the proposals, in our view, are not consistent with this [*Government*] Guidance (which carries weight);

1. A general presumption in favour of 'sustainable development'
2. An additional 20% supply of housing should be identified to cover the first 5 years of the plan, which means land suitable to deliver an additional 250 homes should be identified in the first 5 years, which will now run to 2017 (not 2015)

We also note that the sub text to *para 109* of the Draft NPPF considered that for a site to be deliverable it must also take into account that "*it will provide acceptable returns to a willing land owner and a willing developer ... taking account of all likely infrastructure, standards and other costs*". This further causes us to be concerned as to the ability for the site to be delivered in a timely fashion, and therefore contribute to the required level of housing.

We note that the fundamental principles of PPS3 and those contained in the Draft NPPF are those of 'deliverability' and 'certainty', based on evidential analysis. There is no acknowledgement that more modest greenbelt releases, on sites that are more sustainable, can contribute to the overall housing supply. We are concerned that the minor amendments proposed by the Council do not consider this, especially where alternatives can support the requirements of the Draft NPPF, and where such sites are less constrained.

Rochford District Council has accepted that they will need to release green belt to accommodate the required growth, but this appears to have been tackled through an approach that does not accord with fundamental principles of sustainability, and guidance such as PPS3 and the recently released Draft NPPF.

To further reinforce this concern, we note that PPG2 sets out the underlying principles as to the function and role of the green belt, and when considering alternate locations for development (through the Core Strategy), the Council have overlooked smaller more moderate releases that clearly do not perform any green belt function (i.e. anomalies), in favour of more significant releases [that are contrary to the roles of the green belt]. It is our view that a sustainable and flexible approach to ensuring that the Core Strategy can deliver the required housing, is to adopt a combination of both approaches.

Moving on to the second point; The Draft NPPF at *para 109* introduces the need to identify a further 20% of the 5 year housing supply (an additional years' worth) which will ensure competition and choice in the market. The Council has only identified a single location in a Tier 1 settlement, and thus, this represents a significant failure to comply (and be in general conformance with the NPPF), that will need to be rectified in an immediate review of the housing provision.

A further consideration in the approach to a sound and deliverable plan [the Core Strategy] is the 'resilience' or 'realism' (the essence of *para 109* of the Draft NPPF) of the plan to respond to changing circumstances, especially so in the current economic climate. Rochford have through their assessment of alternative locations around their Tier 1 Settlement (Rayleigh) discounted more

suitable and more sustainable options, in favour of a heavily constrained site, that whilst it may have the ability to provide for perhaps a greater mix of uses, is undoubtedly considered to be questionable as to the point of deliverability, and thus, does not meet the requirement of PPS3 *para 54*, as being achievable at the point of adoption of the Core Strategy.

Current and emerging guidance is heavily focused on growth, and to encourage growth, Plan Makers and Decision Makers are encouraged to apply the 'golden thread' principle of the presumption in favour of sustainable development. To encourage growth, all alternatives must be considered through an evidence based approach. This has not been the case undertaken by Rochford, as has been demonstrated by our clients' previous responses to the consultation on the Sustainability Appraisal Addendum in July of this year.

Furthermore, we are concerned that there is no recognition of immediate housing need / shortfalls. We note that the "Housing Trajectory by Source (2001-2021)" on page 62 of the Core Strategy (published version including amendments) shows that the overall assumed delivery for 09/10 would be 106 units, and that for 10/11 this would be 229 units. Having cross referenced this with the published 09/10 AMR, this confirms that actual delivery in 09/10 was 86 units (20 lower than assumed at the publication of the Core Strategy), and that the revised target for the following year, 10/11, would be reduced to 57 units (172 units less than assumed).

Clearly this significant shortfall has to be made up, sooner rather than later, and it does not appear that the Core Strategy achieves this objective. This approach is reinforced in *para 5.4* of the East of England Plan, which urges Planning Authorities to reach the annual requirement as quickly as possible, so as to allow any shortfall to be made up thereafter.

Para 110 of the Draft NPPF states that local plans should be prepared "... on the basis that objectively assessed development needs should be met, unless the adverse impacts would ... demonstrably outweigh the benefits..." (underlining added for my emphasis). Our previous submissions on behalf of my client have

shown that the Council have failed to objectively and evidentially discount the reasonable alternatives, and have progressed their preferred options without reference to *para 4.36* of PPS12 which states that Core strategies must be justifiable, and, they must be the most appropriate strategy when considered against the reasonable alternatives.

We note that guidance in PPS12, at *para 4.52*, states that a Core Strategy that is 'sound', will be JUSTIFIED (based on a robust and credible evidence base, and, will be the most appropriate strategy when considered against the reasonable alternatives), EFFECTIVE (being deliverable, flexible and able to be monitored) and, must be CONSISTENT WITH NATIONAL POLICY. We therefore feel that the Core Strategy cannot be found sound.

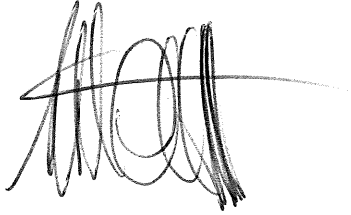
At this concluding stage of the consultation on the Core Strategy, in wanting to assist in moving forward, whilst my client has considerable concerns over the ability for the Council to be able to demonstrate the required level of housing supply, in locations that are considered to be sustainable and appropriate, through detailed assessment under current guidance, it may be more positive for the Council to accept that in addition to the strategic locations identified (and without prejudice to my clients' concerns raised with regards to these) that in combination with more modest releases (to be determined through the Site Specific Allocations DPD – such as land South West of Rayleigh) of the 'inner greenbelt boundary' that will serve to provide flexibility (conforming with PPS12), deliverability (conforming to PPS3) and most of all, embracing the emerging National Planning Policy Framework objectives.

On the basis, whilst we believe the current Core Strategy remains unsound for the matters raised in earlier consultations and above, we feel that an amendment along the lines of the preceding paragraph, could be considered to go some way towards improving the Core Strategy so that it may be found Sound.

I trust that you find the above in order, and would appreciate your acknowledgement of receipt. Please do not hesitate to contact me should you

wish to discuss this any further, and we would like to remain updated as to any further consultations or progress with the Examination.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Stuart Slatter', with a long horizontal flourish extending to the right.

STUART SLATTER

DIRECTOR

cc. Sam Hollingworth – Rochford District Council
John Baines – Fairview New Homes Ltd