

Issue 1 – Is the overall strategy for allocation of housing, traveller and employment sites sound having regard to the needs and demands of the District identified in the Core Strategy; the relationship with national policy and Government objectives and the evidence base and preparatory processes?

Preface to Issue 1 (and Issue 2) – Alternative Sites

Before answering the specific questions raised under Issue 1, and to avoid repetition in our statement to Issue 2, we felt it appropriate to touch on the general issue of ‘alternative sites’, which is a matter raised in question (vii) below and in questions (i) and (vi) of Issue 2 in respect of the individual areas.

The flexibility that the Site Allocations Plan has to consider alternative sites is we consider significantly limited by the Core Strategy. For individual sites, there may be a degree of flexibility as to precise location and boundaries, but broadly speaking, the Site Allocations Plan should and indeed *must* accord with the Core Strategy.

One of the specific issues considered by the Core Strategy Inspector was whether or not the Core Strategy made clear spatial choices about where development should go in broad terms. The Inspector’s conclusion (at paragraph 17 of her report) was that the Key Diagram which forms part of the adopted Core Strategy identifies the broad locations to which new development should be directed, and that this Key Diagram provided the appropriate strategic context for the Site Allocations plan to follow in identifying specific sites.

It would be perverse indeed if the Site Allocations Plan were now to allocate sites in completely different locations, since this would run counter not only to the previous Inspector’s findings of ‘soundness’ on this issue, but it would also undermine the central development strategy which is the principal component of the adopted Core Strategy.

Moreover, there remains a legal requirement for a Local Plan to be consistent with an adopted Core Strategy. Regulation 8(4) of the 2012 Local Plan Regulations states that policies in a Local Plan “must” be consistent with the adopted Development Plan. The glossary to the NPPF confirms that the term “Development Plan” includes adopted Local Plans. The glossary also confirms under the definition of “Local Plan” that adopted core strategies form part of the development plan and are also part of the Local Plan. The adopted Core Strategy is a Local Plan and is part of the Development Plan.

There is no option other than for this Allocations Plan to be consistent with the adopted Core Strategy, and clearly allocating substantial new sites in locations other than identified in the adopted Core Strategy, or conversely not allocating land in locations that are identified in the adopted Core Strategy for delivering growth, would fall foul of 2012 Regulations.

We would submit that failure to follow the general framework set by the adopted Core Strategy, including the Key Diagram, would not only bring the system into disrepute, but it would also render the Allocations Plan legally unsound.

(i) Have the consultation procedures undertaken been adequate and in compliance with the Statement of Community Involvement and the Town and Country Planning (Local Planning) (England) Regulations 2012?

No Comment

(ii) Are the policies in an appropriate form or are they unduly prescriptive

No Comment

(iii) Would a 5 year housing land supply be achieved having regard to paragraph 47 of the National Planning Policy Framework?

No Comment

(iv) Do the proposed allocations allow for sufficient flexibility?

No – see question (vi) for details. In addition, we consider that in respect of SER1, the Concept Statement should provide extra flexibility on certain matters, but this is covered in our Issue 2 Statement.

(v) How would the supply of sites be monitored and managed?

No Comment

(vi) Is the 5% 'cap' on additional housing justified and would removing it discourage brownfield and windfall sites coming forward?

The 5% cap is not justified. The salient issues are as follows:

- The housing requirement upon which the Core Strategy was based was a minimum of 4,600 dwellings between 2001 and 2021;
- Table H2 of the Core Strategy sets out the distribution of housing amongst the Green Belt locations, with the totals marginally exceeding the predicted requirement of 2,745 referred to at paragraph 4.6. However, underneath the table it is relevant to note that the Policy states the “detailed location *and quantum* of development” would be set within the Allocations document, and there is no mention of a 5% cap;
- The Core Strategy Inspector accepted that there were concerns as to whether all of the employment sites identified in the SHLAA would come forward, but went on to conclude (paragraph 26) that flexibility existed at the broad growth locations to cater for any shortfall;

- There remains uncertainty as to the delivery of housing on all of the employment sites – specifically, and as dealt with elsewhere in our submissions, there is little likelihood of Rawreth Industrial Estate coming forward, which is identified for 220 units.
- The introduction of a 5% cap in the case of SER1 equates to 27 units. If the basic ‘balanced’ settlement strategy and distribution of development established in the Core Strategy is to be followed, that 220 units would need to be made up in the Rayleigh area - SER1 is the only site of any size that could meet at least some of that shortfall;
- In the case of SER1 in particular, therefore, given the uncertainty over the future of Rawreth Industrial Estate, and given also the need to establish a long-term defensible Green Belt boundary, the 5% cap is neither justified nor appropriate.

Turning to the second part of the question, the fact that SER1 might have capacity to accommodate additional development in the future in the event that additional housing is needed would have no impact on the delivery of urban or windfall sites in the interim. If an individual housing site in the urban area can be developed by the landowner/developer viably, then that development will come forward, regardless of what other developers may or may not be providing on another site.

In any event, it is unlikely that any flexibility provided for SER1 would be utilised in the short term. This site is set to deliver 550 homes by 2021, which is a realistic but challenging timeframe (see our Issue 2 Statement for our indicative programme), and there is little likelihood of delivering any significant increase in new homes before 2021.

The flexibility we seek is required for the medium term, but that does not mean that it is appropriate to ignore this issue – the Green Belt boundary is being set in this Plan, to endure for its lifetime and beyond (as per the NPPF), and will need to either allow for flexibility in the medium term, or preclude it. Also, it is important to know when preparing the Masterplan for the delivery of the 550 units in the Core Strategy whether or not there is likely to be a need to maintain flexibility for further development, if good planning principles of design and the efficient provision of infrastructure are to be followed.

In terms of specific changes to the text of the submitted Plan to make it Sound, were the Inspector to agree to delete the 5% cap for all of the growth locations, then the second sentence of paragraph 3.10 would need to be deleted, and in each Concept Statement, the relevant text referring to the 5% cap would need to be deleted (for SER1, this involves deleting paragraph 3.20).

Deleting the reference to the 5% cap would not create a ‘free for all’ and unlimited capacity at any of the growth locations, because:

- (a) The Core Strategy remains part of the Development Plan, and any subsequent application that materially exceeded the Core Strategy allocation for that site would still be a departure from the Development Plan; and
- (b) The scale of development that can be accommodated at each location would still be governed by the amount of land removed from the Green Belt and allocated for development.

Deleting the 5% cap is however needed in order both to remove an element of the Site Allocations that is not sound because it is not Justified, and because ensuring the plan retains an element of flexibility to react if other sites do not come forward is necessary if the plan is to be “Positively Prepared”.

If the 5% cap were to be removed from SER1 alone on the basis of the known difficulties of developing Rawreth Industrial Estate, then the second sentence of paragraph 3.10 would need to be revised with the addition of the following wording at the end of the sentence:

“ ... (with the exception of SER1, where greater flexibility is appropriate due to uncertainty regarding the delivery of Rawreth Lane Industrial Estate)”.

(vii) Are there alternative sites that would have avoided the loss of Green Belt land?

The Core Strategy housing provisions were informed by a Strategic Housing Land Availability Assessment undertaken in 2009 (ref 65 EB16). The results are summarised at paragraph 4.6 and in the accompanying table in the Core Strategy (SUBDOC10), which shows that of the requirement of 4,750 dwellings to be built between 2006 and 2025, only 2,005 units could be identified from existing permissions, allocations and SHLAA sites outside the Green Belt (42% of the housing total), leaving a shortfall of 2,745 units (58% of the total) to be found from new allocations outside the existing urban areas and beyond existing commitments and existing urban capacity.

Since Green Belt covers the entirety of the district outside the existing built-up areas, it is self-evident that the substantial shortfall in housing supply required to make up the Core Strategy housing total could only be found from within the Green Belt.

It is worth noting of course that a need for housing land will not end in 2025, and it can reasonably be expected that additional land for housing will still be required in the future.

Obviously land supply is a dynamic process and at any point in time additional (windfall) sites may come forward that were not known about at the time of the last assessment. Equally, experience also shows that some sites included within a SHLAA do not get developed, and indeed even some planning permissions expire and are not implemented.

The 2012 SHLAA Review updates the position in terms of identified supply from 2012-2027, on the basis of the same rate of 250 dwellings per annum i.e. 3,750 new homes. Of this total, the 2012 SHLAA shows that only 1,090 units comprise either existing commitments or SHLAA sites on brownfield land i.e. 29% of the total requirement. The remaining 71% of new homes required to meet the Core Strategy requirement will therefore need to be delivered from Green Belt sites.

It is not surprising that as time progresses and the stock of previous consents and SHLAA sites are built out, so the reliance on Green Belt sites outside the existing urban areas increases.

Overall, it cannot seriously be doubted that achieving the level of housing supply required by the adopted Core Strategy requires Green Belt land, because the 2009 and 2012 SHLAAs both show that land outside the Green Belt is a finite and decreasing resource that is nowhere near sufficient to meet required needs, either now or in the future.

(viii) Have there been any material changes of circumstances since the adoption of the Core Strategy?

Additional information and policy guidance has emerged which supports the view that, so far as housing delivery and the need for strategic site allocations to come forward now, there has been *no* material change in circumstances, specifically:

- (a) The Council has conducted a SHLAA Review which shows that the supply of non-Green Belt land has not increased, and indeed if anything has decreased (as described above); and
- (b) Housing delivery in Rochford has remained below the required annual rate since 2006 (see 2012 SHLAA Update para 4.12 and figure 4.3 on page 19 of that document) – there is a need to boost supply now to avoid under-provision continuing, and because the housing trajectory requires development from the major Green Belt sites imminently (because the non-Green Belt component is not sufficient to meet the rolling 5 year requirement). Even leaving aside under-provision in previous years, the 5 year requirement +20% would be 1,500 units, and the maximum provision from non-Green Belt sites according to the SHLAA review is less than 1,100, even if all were developed in the next 5 years. Green Belt land needs to start delivering soon;
- (c) The NPPF came in to force in March 2012. Key elements include:
 - Confirming that ‘sustainable development’ encompasses the three limbs of economic sustainability, social sustainability and environmental sustainability – delivering the homes and jobs that people need is an integral part of sustainable development;
 - It introduces the ‘presumption in favour of sustainable development’, which for plan making, means positively seeking opportunities to meet the development needs of the area (para 14);
 - The need to boost significantly the supply of new homes (paragraph 47), both by making sure Local Plans deliver the new housing required, and by making sure that a 5 year supply of deliverable sites exists – in the case of Rochford, Local Plan reviews are the mechanism by which Green Belt boundaries should be reviewed, taking account of the need to promote sustainable patterns of development (paragraphs 83 and 84);
 - Local Plans should plan positively for the development and infrastructure required in their area (paragraph 157).

(ix) Has the overall impact on highway capacity across the District been adequately addressed?

No Comment.