

Issue 2 – Are the allocated housing and employment sites ... justified, deliverable within the plan period and consistent with national policy?

Preface

Our comments in respect of the generic questions (i) to (vi) relate to site SER1 only (land north of London Road Rayleigh).

Comments in relation to site BFR4 (Rawreth Lane Industrial Estate) are covered under the additional question (i) for Rayleigh.

In respect of sites NEL1 (south of London Road) and NEL2 (west of A1245), we rely on our original representations, which raised the following issues:

- (a) That in respect of NEL1, there is no evidence that site NEL1 will be delivered due to the lack of any landowner interest and due to the constraints imposed by the pylon line and existing business uses on the majority of the site (and as a consequence, that the allocation of land north of London Road should take in to account the potential need for additional flexibility to accommodate commercial development as well as the proposed residential development);
- (b) That the wording of the Plan in respect of NEL2 is not clear in terms of reserving the land for displaced businesses from Rawreth Industrial Estate – if the site is not reserved for displaced uses, then the lack of alternative premises makes it even less likely than it already is that Rawreth Industrial Estate will be redeveloped for residential purposes.

Generic Site Questions

(i) Is the site selected justified when compared to other reasonable alternatives?

Please see our Issue 1 statement for our comments on the general issue of alternative sites and the legal requirement for the Site Allocations Plan to be consistent with the Core Strategy.

The issue of reasonable alternative locations for the principal strategic sites identified in the Core Strategy was examined as part of the Core Strategy Examination process. The Core Strategy Inspector under her Issue 2 included the following specific question: “*Are the broad locations identified for the supply or new housing the most appropriate when considered against all reasonable alternatives*”. In paragraphs 28-32 of the Core Strategy Inspector’s report, the Inspector considered the process that the Council had gone through to identify the principal development locations, and found it sound.

The issue of reasonable alternatives to SER1 has therefore already been resolved through the Core Strategy Examination process.

In terms of the specific area for SER1, Policy H2 of the adopted Core Strategy, Appendix H1, and the Key Diagram of that document together prescribe that the development should be:

- (a) North of London Road, Rayleigh (from Policy H2);
- (b) Be capable of delivering 550 homes 2015-2012 (from Policy H2);
- (c) Include a link between London Road and Rawreth Lane (from Appendix H1);
- (d) Be immediately west of the existing built up area (from the blue triangle on the Key Diagram).

Given the above, it is difficult to see what the other reasonable alternatives there could be to SER1 that would still be consistent with the framework set by the Core Strategy. There may be legitimate queries concerning the exact boundary (see question (iii) below), but there is no alternative to SER1 that would still be consistent with the Core Strategy, because the Core Strategy is location specific.

Indeed, it was actually a requirement of Soundness from the previous Examination that the Core Strategy *should* be locationally specific, precisely to avoid uncertainty as to the locations for growth and provide the appropriate framework for the preparation of this Plan.

(ii) *Is the proposed development deliverable over the plan period having regard, amongst other things, to land ownership issues and infrastructure constraints?*

Dealing firstly with the issue of land ownership at SER1, Countryside Properties have control and are promoting a substantial area of land (some 110 hectares – see Appendix 1) between London Road and Rawreth Lane, which whilst not representing the totality of the SER1 allocation, is of sufficient size and disposition to:

- deliver the required access points to both London Road and Rawreth Lane in accordance with the Concept Statement;
- deliver a 1.1 ha primary school;
- deliver a site for replacing the existing sports pitches used by Rayleigh Town Sports and Social Club;
- deliver appropriate areas for formal and informal open space; and
- deliver in the order of 475 dwellings within the SER1 boundary (the total area of SER1 is around 40 ha, and of that, Countryside control some 33 ha – however, from that total, undevelopable areas such as the land in flood zones 2 and 3, the land adjacent to Rawreth Industrial Estate, the land needed for the school etc all need to be deducted, alongside land required for SuDs, for landscaping, for open space etc – 475 is considered to a reasonable estimate of yield at this stage, subject to further testing through the Masterplan process).

Rochford District Council own the Rayleigh Town Sports and Social Club and as per the Statement of Common Ground with Countryside Properties, the Council is agreeable to making that land available for development (if alternative sports facilities are provided).

Taken together, the land promoted by Countryside Properties and Rochford District Council is sufficient to deliver 550 dwellings, as well as the 5% contingency currently allowed by Policy SER1.

In terms of timescale, Countryside Properties envisage an Outline Planning Approval by the end of 2014, Reserved Matters approval in the Spring/Summer of 2015 (probably for the initial infrastructure stages first, followed by the first housing plots), a start on housing in October 2015, and first completion by the Summer of 2016. With an indicative 5 year build programme thereafter, the expectation is that 550 units would be complete late 2021/mid 2022.

In terms of strategic infrastructure constraints, it was of course the case that the choice of growth locations in the Core Strategy was informed by evidence on infrastructure constraints.

In respect of waste water and surface water, for example, evidence for the SER1 location was demonstrated from the Thames Gateway Water Cycle Study Scoping Report, and the 2011 update confirms that potable water supplies, waste water treatment capacity, and flood risk are all acceptable (see page 130 of 56.EB7A).

In respect of highways and traffic, the Core Strategy Inspector noted that residents are “naturally sensitive” to traffic congestion, and she noted that parts of the network were under stress (para 50). However, the Core Strategy Inspector accepted that the choice of development locations had been informed by input from the Highway Authority, who were satisfied that the various major developments could be accommodated on the network with appropriate mitigation.

The Highway Authority is still of the view that matters of detailed traffic analysis and impacts are ones that can be addressed at the application stage via a Transport Assessment in the normal way (see Statement of Common Ground between the Highway Authority and Countryside Properties at Appendix 2).

In terms of site specific considerations, as with any large development site, there is infrastructure that will need to be provided, and there are constraints that the Masterplan will need to address. Briefly our comments on some of the main considerations are as follows:

- Surface water and flood risk – there is room within the development site (and on adjoining land in Countryside’s control) to accommodate sustainable urban drainage features which will both ensure that no property on site is at risk of surface water flooding and there is no increased risk of downstream flooding, with discharge being limited to no more than the existing greenfield run-off rate.
- Utilities – the site is bordered by a 132 kV powerline, but the development area is to be set away from this (see Statement of Common Ground between the Council and Countryside); there is an underground foul main, but this is a matter that will be addressed through the Masterplanning of the site;
- Environment – initial ecological, arboricultural, landscape and archaeological investigations have been carried out for the site, none of which show any material constraints to delivery, and which will be taken in to account in the Masterplanning process;
- Noise – an initial acoustic assessment relating to noise from Rawreth Industrial Estate has been undertaken and will inform the Masterplan as regards appropriate locations for residential uses in the vicinity of that site;

(iii) Are the detailed site boundaries appropriate?

If the pylon line is to be used as a limit to the extent of built development, then Countryside Properties and Rochford District Council are agreed that the limit for any residential development would be 30m from the pylon corridor, and certainly Countryside Properties have no intention of providing any living accommodation within that area. The revised boundary put forward by Rochford District Council and included in the Statement of Common Ground between the parties reflects the 30m offset and meets Countryside's previous objection regarding the need for a consistent approach.

Our remaining concerns in respect of the boundary as shown (and which relate to the 'Justified' test of soundness) are therefore limited to:

- (a) The fact that non-residential built development could still be accommodated within the 30m zone (e.g. garages, roads, parking areas etc), and therefore if the pylon line is to be the physical demarcation, it would be more appropriate to draw the Green Belt boundary along the pylons themselves, rather than 30 metres offset; and
- (b) For the reasons set out in our original representation (i.e. policy in the NPPF which states that physical features should be used where possible, that Green Belt boundaries should be set for the long term, and that there is a need for flexibility here taking in to account possible non-delivery of BFR4 and NEL1), the proposed boundary should in fact be set further to the west, as shown on the plan enclosed in our original representation.

(iv) Is the detail about the form, scale, access and quantum of development appropriate having regard to policies in the Core Strategy?

The scale/quantum of development at SER1 of 550 dwellings is entirely in accordance with the Core Strategy Policy H2.

In terms of form and access, we agree that the SER1 Concept Statement is consistent with the Core Strategy. However, in our original representations we raised a number of instances where we considered the Concept Statement for SER1 went beyond what could be Justified at this stage, and that the content was therefore unsound.

Some of our original representations have subsequently been addressed by the Council in the June 2013 Schedule of Changes (EXA117). However, the following two issues remain unresolved and the wording in each case fails the 'Justified' test of soundness. We set out the revised text needed to make the document sound.

- We objected to the second sentence of paragraph 3.27 which provides a suggested split of dwellings served from London Road compared to Rawreth Lane. Our own analysis of traffic impact (see summary of main considerations at Appendix 4) suggests that there is no evidence to support a detailed split at this stage, and Essex County Council as Highway

Authority agree (in their Statement of Common Ground with Countryside Properties) that this is a matter that should be dealt with in the context of a full Transport Assessment at the application stage. Consequently, we consider that there is no justification for this statement. The second sentence of paragraph 3.27 of the Allocations Submission Document (April 2013) should be deleted and replaced as follows:

“The exact configuration of the access points and the extent to which development is served from either the London Road or Rawreth Lane access shall be the subject of more detailed testing at the planning application stage.”

- Green Buffer – we objected to the requirement at paragraph 3.35 that the green buffer to the west of the development should form publically accessible parkland. Although in reality it is likely that some land immediately to the west of the development (including for example the relocated Sports pitches) will be publically accessible, taken literally, this paragraph as currently drafted requires open space over and above what is justified for the development, and taken literally requires all of the land between the western edge of the development and the A1245 to be publically accessible parkland. Not only is this wholly unjustified in terms of open space requirements, but it also represents a huge financial commitment if current agricultural land has to be acquired from the landowner to be set aside for parkland. The 3rd sentence of paragraph 3.35 should be amended to state:

“In the vicinity of the pylon line and the replacement Sports and Social Club, the green buffer should take the form of public open space and parkland which is publically accessible and integrated in to the development, and provides a continuous belt of parkland between London Road and Rawreth Lane. Elsewhere, retained agricultural land between the site and the A1245 will contribute to providing a green buffer.”

(v) Are the requirements for public open space and play space and justified for brownfield sites given the likely development costs?

No Comment

(vi) If any of the specific sites/locations are found to be unsound, then what are the alternative options?

As per our previous comments, in respect of SER1, there is no alternative option for substituting a completely different site or sites that would leave the Site Allocations Plan consistent with the Core Strategy, and therefore any such change would render the Plan legally deficient.

If SER1 were found unsound, then there would be a substantial deficit in the Site Allocations Plan which in turn would render the Council unable to meet its housing requirement – such an outcome would cause significant conflict with the NPPF, which has as one of its main objectives the increase in housing supply to meet identified needs. The shortfall in planned provision would result in adverse social implications as a result of inadequate access to market and affordable housing – new housebuilding is there for the purpose of addressing locally arising housing need (whether naturally

generated or through migration), and there is a substantial need for new homes in the Rochford area, not least because there has been a long period of under-provision. A deficit in housing land supply would also leave the Council liable to the release of piecemeal Green Belt sites on an ad hoc basis through the appeal system, with all of the associated adverse consequences of unplanned and poorly serviced development.

Rayleigh specific questions

- (i) In the absence of a specific promoter is it realistic to assume that site BFR4 will come forward and are expectations for site density justified given its location?**

For the reasons set out in our original representations (not repeated here) the answer to both questions is “No”.

- (ii) Is there sufficient detail about replacement and additional playing field and supporting facilities in Policy SER1?**

In terms of general open space requirements arising from the new development, the SER1 Concept Statement contains a similar set of requirements to the other Concept Statements, namely it contains several fairly prescriptive elements for youth facilities (para 3.24), play space (para 3.25), natural/semi-natural greenspace (para 3.34), of which 3.1 ha would be likely to be provided along the corridor of the brook (para 3.33), and allotments (para 3.35). In addition, it seeks a further area of parkland to the west of the site (although we have an objection to this element as per general question 4 above).

It will also be the case that the development will need to make provision for new formal open space – whilst not quantified in the SER1 Concept Statement (which is consistent with the other Concept Statements), there is a recognition from the developer that a large development such as this creates demands for outdoor sports, and this will be addressed for SER1 through the Masterplanning/application process, as it will be for the other principal growth locations.

Unlike the other growth locations, however, SER1 also involves the relocation of the existing Rayleigh Town Sports and Social Club pitches. In this respect, the Concept Statement makes three specific requirements:

- (a) That what is required is a relocation of the existing – the first sentence to para 3.38 states *“the playing field ... should be relocated”* and the second sentence confirms that it is a *“replacement sports field”* that is required. It is true that the Concept Statement does not give a site area or a specification, but any normal interpretation would be that what has to be provided is the same as what is there at the moment, but in a different place;
- (b) That the replacement facility has to be provided before any removal of existing facilities – there is no question of the existing use being stopped and there being a suspension of use whilst a new facility is prepared; and

- (c) That the new facility should be within 340m of the existing (unless an alternative location is more appropriate).

On that basis, we would consider that the Concept Statement does provide sufficient detail.

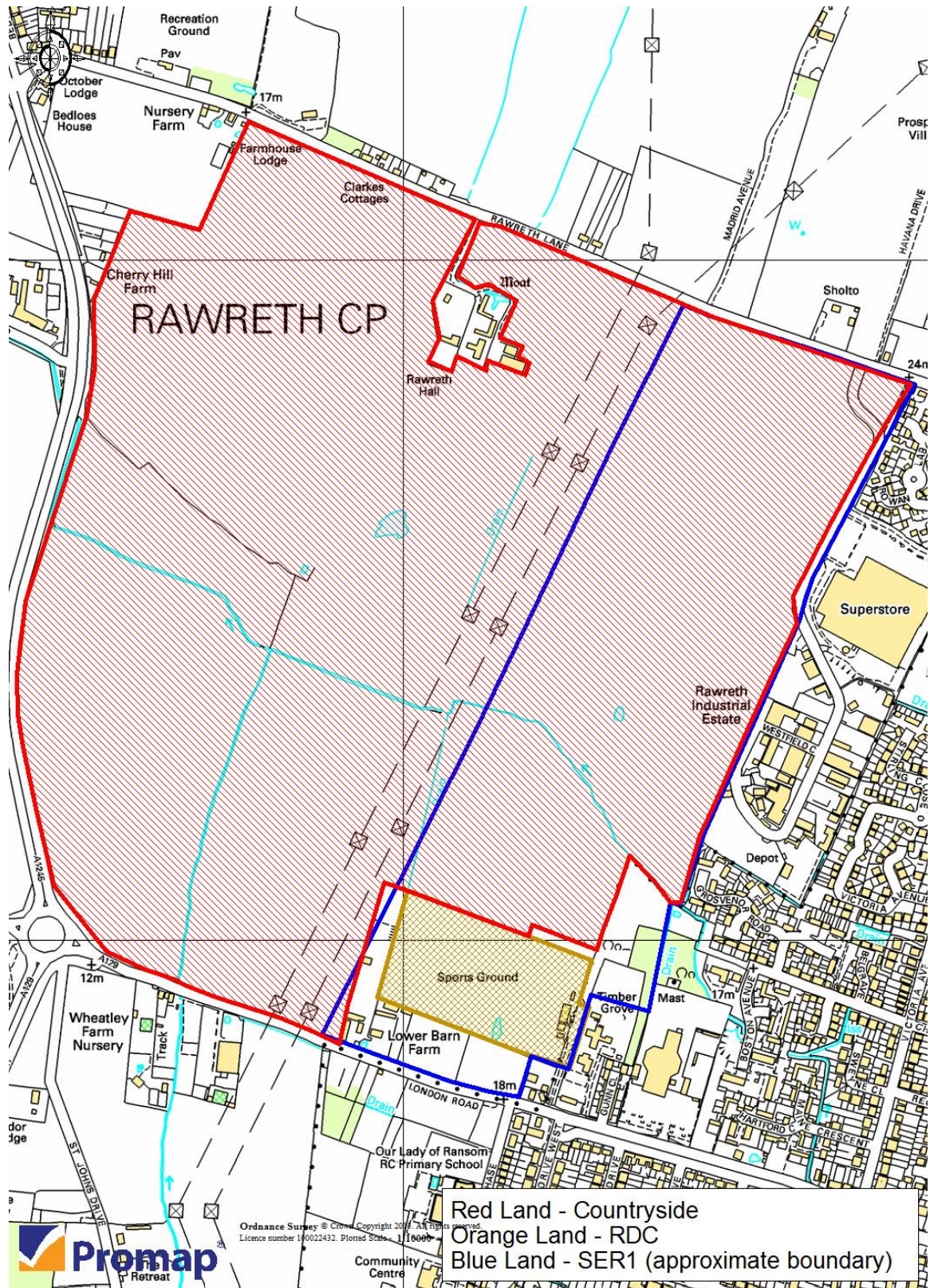
However, we accept that the issue of exactly what is to be re-provided (i.e item (a) above) could benefit from some additional clarity, partly because the Concept Statement does itself introduce an element of flexibility with the suggestion that the replacement facilities should take the findings of the Council's Playing Pitch Strategy in to account (which seeks less adult pitches in this area and more junior pitches). Although the existing site area is not in fact wholly useable, because of the pond that lies on the southern side, Countryside Properties would not object to further clarity being introduced by adding the following to the second sentence (new text in italics):

"A replacement sports field of equivalent size, and (unless agreed otherwise with the Council) with the same number and types of pitches, with new ancillary facilities ..."

(iii) Can satisfactory highway access be devised for Site NEL2?

No Comment.

Appendix 1 – Land controlled and promoted by Countryside Properties



Appendix 2 – Statement of Common Ground between Countryside Properties and the Highway Authority

**Rochford District Council
Local Development Framework**

**Statement of Common Ground in respect of the Transport Impacts of the allocation of
Land North of London Road, Rayleigh – Reference SER1**

Between:

- 1) Countryside Properties the promoters of Land North of London Road, Rayleigh
 - 2) Essex County Council – the Local Highway Authority
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- 1.1 This statement has been prepared by the above parties to confirm the deliverability of an allocation of up to 550 (+5%) Residential Dwellings in terms of impacts on the Highway Network supported by a suitable mitigation package.
- 1.2 The Highway Authority considers that traffic from our scheme can be accommodated on the local highway network without detriment to highway safety and capacity, with any off site highway/junction works required being identified as a result of full traffic impact and mitigation assessment"
- 1.3 Essex County consider that the allocation would need to be supported by two access points, one on Rawreth Lane and one on London Road, but that the final level of traffic which would be accessed from Rawreth Lane would be the subject of detailed traffic modelling to support a planning application and could be greater than the level identified in Paragraph 3.27 of the Allocated Submission Document.