



Phase 2

PLANNING &
DEVELOPMENT
LIMITED

Majesty House
200 Avenue West, Skyline 120
Great Notley
Braintree
Essex
CM77 7AA

01376 332560
office@phase2planning.co.uk
www.phase2planning.co.uk

Rochford Site Allocations Submission

Matters and Issues for the Examination, September 2013

Response on Behalf of Landhold Capital

Respondent No 17582

The following responds to the specific matters and issues raised by the Inspector in response to the Submission draft of the Site Allocations DPD (SADPD).

Our response in full to the Submission SADPD was made in January this year. Our position has been altered to a degree by subsequent meetings with the Council and with key stakeholders, and by the Statement of Common Ground, which will be set out as below.

Our specific responses are as follows, under each of the Inspector's questions contained within his Issues and Questions – final version Updated 6 & 18 July 2013.

Issue 1

Is the overall strategy for the 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?

General Response:

As a context for answering the questions, para 182 of the NPPF sets out with regard to whether a DPD is sound a number of tests, notably whether it is positively prepared, based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, and consistent with achieving sustainable development; justified when considered against the reasonable alternatives; effective in that it is deliverable over its period; and consistent with national policy enabling the delivery of sustainable development in accordance with the policies in the NPPF.

It is clear that the Submission SADPD is in accordance with the adopted Core Strategy, which itself was found sound by the Inspector. She found that the identification of the broad locations to which new development will be directed provides an appropriate strategic context within which the Site Allocations DPD can identify specific sites (para 17 of her report), and in particular, asked a specific question on whether the Core Strategy (CS) provide the appropriate context and give adequate guidance for a subsequent Site Allocations DPD readily to identify land that should be released from the Green Belt, without having to revisit strategic considerations.

In para 25 of her report, she acknowledged that the CS identifies the broad locations where Green Belt release will be considered, and there is a clear recognition that greenfield sites will be required to meet housing requirements from 2011/12 onwards. She concluded that it was more appropriate for the detailed consideration of sites in those general locations to take place through the preparation of the Site Allocations DPD, which was even then at a relatively advanced stage, with guidance on factors to be taken into account in allocating sites given in paragraph 4.19 of the CS (*our emphasis*).

As a consequence and in response to points made by a number of attendees at the Examination Pre-Hearing, it is appropriate to test the details of each site within those general locations, but not to revisit the broad locations themselves, as this would pre-judge any review of the CS and discord with the approach of the CS to be locationally specific, which the Inspector found to be sound. Whilst

there can be some debate about the precise boundaries of those broad locations, the Inspector's conclusions on soundness of the CS are a strong material consideration.

Questions:

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?

This is a question for RDC, although we would stress that in our view consultation procedures have been in accordance with both the Council's SCI and with the Regulations.

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

In our response to the Submission draft, we have expressed concern over the phasing of SER6 and the 5% cap, which are dealt with below. We have no objections to other policies.

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

We deal with the release of the NPPF and its relationship to the CS under Issue 1 Q(viii) below. The CS Inspector in para 27 of her report noted that the then draft NPPF asks councils to identify additional 'deliverable' sites for housing as part of the five year supply, and that the proposal is for this to be a minimum additional 20% to be added to the five year supply which is not land over and above the housing target, but rather a frontloading of supply. She identified that if this requirement is maintained in the final version of the NPPF, which was broadly the case, then policies H1, H2 and H3 would provide a strategic context which, together with the emerging Site Allocations DPD, would enable the Council to manage the five year land supply to meet this policy requirement.

The implication of this is that, given the Inspector's conclusion above and given that the CS is based on the now-defunct East of England Plan (EoEP), the requirement within the NPPF for objectively assessed housing need will mean higher housing numbers from the promised early review of the CS, which in turn means that the SA needs to be as flexible as possible in order to deliver these emerging increased requirements.

iv) Do the proposed allocations allow for sufficient flexibility?

The CS Inspector highlighted in para 26 that a number of representors expressed the view that the phasing of sites, as envisaged by Policies H2 and H3, would inhibit flexibility and some suggested that the two policies should be merged. She noted that the text of Policy H1 indicated that the Council will maintain a flexible approach with regards to the timing of land releases to ensure a five year supply of land and this is reiterated as a risk mitigation strategy in the chapter of the plan dealing with monitoring and delivery. She also noted that Policy H3 which deals with post 2021 housing development indicates that development in these locations may be brought forward if required to meet RS requirements. Given that the SHLAA demonstrates that there is additional capacity within the broad locations identified, and the precise quantum and locations for development can be established through the Site Allocations DPD during the plan period, the Inspector concluded that the CS provides an acceptable level of flexibility for the Council to ensure a rolling five year supply of land for housing.

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

This is a question best answered by RDC within the context of the need for flexibility highlighted above.

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

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

Answering these 2 questions together, the CS notes in para 4.13 that the Council has recognised the importance of making best use of brownfield land, and that the Strategic Housing Land Availability Assessment identifies a realistic figure that can be accommodated within existing settlements and other appropriate land, based on the identification of specific sites. It also notes in para 2.33 other constraints within the district, and in policy H1 the Council prioritises the reuse of previously developed land and ensure the delivery of appropriate sites within existing settlements identified by the Strategic Housing Land Availability Assessment.

As such, we do not consider that the removal of the 5% cap would have any impact on the delivery of housing on brownfield sites. Our main concern on the 5% limit is the point above regarding flexibility, which the CS Inspector felt there was within CS policies H1, 2 and 3, noting that the SHLAA demonstrates that there is additional capacity within the broad locations identified, but without any knowledge that RDC would subsequently impose an artificial cap on each of the allocations. We have expanded on this point in our response to the Submission SADPD.

As set out above, the question of alternative sites has been determined through the locationally specific CS, and the Council have made clear that they have identified as much land as possible and prioritised brownfield land through CS policy H1.

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

It could be argued that the key changes in planning policy since the CS adoption are the release of the final version of the NPPF and the repeal of the EoEP. In both cases the CS Inspector had 'advance warning' of these documents, and indeed invited comments on the implications of the emerging NPPF in writing during the course of the examination, which she took into account in her report (para 12). As such, we do not consider that there is a material change that affects the Site Allocations document.

In our response, we pointed out that the Council did not propose a rationale for choosing the sites included within Policies H2 or H3 or how each site will meet specific local needs across the district in the timeframe identified, and that the artificial phasing of sites could lead to delays in the delivery of new housing which was being put under greater pressure by the NPPF.

A further key element of the NPPF was its emphasis in paras 14 and 15 on the presumption in favour of sustainable development. Again, the Inspector had full regard to this in her report in para 16.

With regard to the revocation of the EoEP, at the time of the CS Examination this was the subject of various legal challenges, whilst during the consultation on the changes, the Secretary of State's decision to revoke the RS was successfully challenged in the High Court, the outcome of which (on 10 November 2010) was to reinstate the RS as part of the development plan. The Inspector held hearings to consider issues arising from the proposed changes, and the reinstatement of the RS. However, a further challenge was made to the Secretary of State's statement of 10 November 2010, signalling the Government's intention to abolish the RS with the outcome being a determination that it would be unlawful for a local planning authority preparing, or a Planning Inspector examining, development plan documents to have regard to the proposal to abolish regional strategies.

As the CS is based on the EoEP, and given the NPPF emphasis on objectively assessed housing need, the question for a review of the CS will be to firstly determine the new figure, and decide on phasing and new site requirements. The question for the SA Examination is whether the DPD is flexible

enough to deliver housing from the allocations at the right time. The Inspector will be aware from paras 21 to 23 of the CS Inspector's report that the CS is 2 years short from providing a 15 year supply, and although this was less than ideal, the Inspector felt that any further delay would run counter to the Government's aim to boost significantly the supply of housing in para 47 of the NPPF, and gave weight to RDC's commitment to review the CS early, which she considered would enable the Council to review the CS in the light of the requirements of the Localism Bill once it has been adopted and the final version of the NPPF.

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

During the Core Strategy the infrastructure required to support growth across the District and at Hullbridge was examined and the basis of the Authorities assessment found sound (ref EB30/31). The Authorities identified a range of improvements required to deliver the growth locations and there were no show stoppers. Policy SER6 for Hullbridge outlines the requirements for that allocation and is consistent with the Core Strategy and we therefore consider this to have been adequately considered. Furthermore, the Authorities are to produce a separate SPD on Transport to examine the requirements in more detail and it is considered that this is an appropriate way forward. When a planning application is brought forward a Transport Assessment will be prepared in accordance with the Highway Authorities Development Management Policies. We suggest that such wording identified at 3.177 is repetitive and unnecessary within the Site Allocations DPD.

Issue 2

Are the allocated housing and employment sites listed below (both brownfield and settlement extensions) justified, deliverable within the plan period and consistent with national policy?

[Hullbridge: SER6 South West Hullbridge]

Questions (for all sites/locations):

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

During the course of the CS examination, the Council prepared an audit trail to the Inspector explaining the choices that had been made regarding the distribution of new housing, which focused on the process through which the various iterations of the CS were derived. The Inspector noted that in the initial stages the options considered were very broad in nature, and as the preparation of the strategy progressed these became more focussed on different broad locations for development. The strategy for accommodating development changed as the process proceeded, with the emerging SHLAA indicating that more dwellings could be accommodated in the existing urban areas than previously thought.

The SA Discussion and Consultation Document in 2010 identified four options for growth around Hullbridge, and the Inspector will have a copy of our response. Clearly RDC will justify the choice of the SWH1 site, but our view is that it is consistent with the broad location in the CS, is best related to existing services within Hullbridge, is least constrained by physical and policy constraints, and in landscape terms has the least impact. Our comments on alternative sites are dealt with below.

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

The rider to para 47 of the NPPF states that to be considered deliverable, sites should offer a suitable location for development now, and be achievable with a realistic prospect that the site is available and could be viably developed at the point envisaged.

Landhold Capital presently has a development option over almost all of the identified site, with the current exception of just over a hectare in the north western corner. As this is the highest point of the site, it is likely that this will comprise low density development and is also located in an area which we see development later in the process. The key infrastructure and community benefits of the allocation are wholly deliverable from the land within the applicants control.

The site has been the subject of detailed assessment covering highways, drainage, ecology, landscape, and contamination, with no insuperable constraints identified. Highways and drainage are dealt with in more detail below. In addition, a number of meetings have taken place with officers and Members of the Council to explore timing, strategy and detailed issues, the last of which took place in July this year. At that meeting an evolving Master Plan and Opportunities Plan was tabled, as attached, and further work is ongoing with this. It is envisaged that an outline planning application will be submitted to co-incide with the Inspector's report.

In addition to the above, our clients have undertaken the early stages of community involvement and at the time of writing have met with Ward Councillors, Hullbridge Parish Council, Hullbridge Community Association, and Primary School. It is hoped to have a wider community engagement event following the examination.

iii) Are the detailed site boundaries appropriate?

The site boundaries follow clear features in the landscape, mostly established hedge and tree lines, and therefore they are appropriate. Attached is a draft landscape assessment which has been prepared to inform the masterplanning of the site.

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

Yes, subject to our comments on allowing flexibility in access provision, and allowing the capacity of the site to be determined through the masterplanning process, as set out in our Submission response.

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

NA.

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

We do not consider that SER6 will be found unsound, and our views on other options were set out in detail in our 2010 response, as follows in summary:

Option SWH2

This option correctly identifies that development would be extended along Watery Lane, which currently suffers from poor access and flooding and would involve development in part within an area of Zone 2 flood risk. Given the opportunity of SWH1 it would not be justified to include development within this Zone. Moreover this option would concentrate more dwellings in the southern part of the site further away from shops and services in the existing centre.

Option SWH3

This option correctly identifies that a further western expansion would be much further away from the existing community and services within Hullbridge, which is not advisable in terms of community cohesion. The option would also involve development at the highest part of Hullbridge where development would be more difficult to contain and would have a greater visual impact across the Crouch Valley and particularly on the Coastal Protection Belt.

Option SWH4

The text accompanying this option does not identify any shortcomings but clearly there are four:

- i. Development would breach Lower Road which would be more difficult to service in terms of the cycleway and footpath links across the road and to create community cohesion.
- ii. Development to the south of Lower Road is further away from existing shops and services within the centre.
- iii. The western expansion of the site along Watery Lane would involve development within Zone 2 flood risk.
- iv. Development to the south of Lower Road would involve development within the strategic gap between Hullbridge and Rayleigh, reducing the distance between the two.

Questions for specific sites/locations:

Hullbridge

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?

See answer to Issue 1 Q(i) above.

ii) Is it reasonable to sub-divide the allocated area so that the second phase on SER6b is prevented until after 2021?

As set out in our response to the Submission SADPD, we consider that, particularly given the infrastructure requirements and social benefits identified as part of the requirement for the Hullbridge scheme, particularly in the early stages then it makes no sense not to allow for the site to be developed in one go, particularly given the additional costs of stopping and starting again, which would potentially increase the costs of developing the site. Indeed, given the need for an early review of the CS to take account of objectively assessed housing needs, then the phasing represent an artificial constraint and creates an uncertainty about how the site and related infrastructure will be delivered, given that the second phase will inevitably be required. In any case, how the site is development should be a masterplanning exercise and not based on an artificial line on a plan, and the suggested change to figure 12 included in our response to the Submission SADPD should be used.

The Inspector will be aware of para 176 and 177 of the NPPF, which stress the need for development not to be inhibited unnecessarily, and to ensure that there is a reasonable prospect that planned infrastructure is deliverable in a timely fashion.

iii) Can the necessary highway and other infrastructure be provided having regard to flooding along Watery Lane, drainage and sewage?

With regard to sewage, as set out in our response to the Submission, there are two wastewater treatment works (WwTW); Rayleigh West and Rayleigh East. The sewers crossing our site drain to Rayleigh West WwTW which has adequate capacity to accept and treat the additional flows arising from the proposed level of growth. Furthermore the existing sewers crossing our site have sufficient capacity to accommodate the flow from the proposed development.

With regard to flooding, Watery Lane falls within a Critical Drainage Area and has therefore been the subject of investigation within the South Essex Surface Water Management Plan [78.EB29]. Whilst the development proposed at SER6a and SER6b is outside the area potentially at risk of surface water flooding, the SWMP does highlight that a Sustainable Drainage System could provide betterment by formally restricting runoff from this part of the catchment. This matter is being further researched by Essex County Council (the Flood and Water Management Team and the

Highways Department) and Rochford District Council and has been a key discussion point in our local consultations.

At this point in time the Councils accept that all the interlinked issues that cause flooding cannot all be solved, and that we are therefore probably looking at lifting the highway where it is significantly lower than the surrounding land and improving maintenance of the ditches/culverts/road gullies, which will mean the road is passable during times of flood. Whatever solution is ultimately decided upon, an appropriate SuDS scheme at this site can help provide betterment by holding water back that would otherwise contribute to the flooding at Watery Lane.

On highways, we suggested within our response to the Submission that there should be sufficient flexibility to allow for a range of secondary access options which should be determined through the masterplanning process, though with the primary access onto Lower Road. These options are shown on the attached Master Plan, and all have been investigated with no constraint to delivery.

On highways impact generally, we have already referred to the Evidence Base for the Core Strategy and consideration of infrastructure requirements by the Authorities. No showstoppers were identified in the Authorities assessment which was found sound. Where cumulative impacts of developments are to be considered we understand it is the intention of the Authorities to bring forward a Transport SPD that will deal with these issues. The SER6 policy requires physical improvement or contribution to such improvements that will mitigate development impacts to the required level. The drafting of the policy makes it clear that site specific impacts will be assessed through Transport Assessment and this will consider the appropriate range of improvements necessary. ECC has previously identified that traffic should not be encouraged to use Watery Lane and this will be a consideration within the design and layout of the primary site access from Lower Road.

iv) How will the development be integrated into Hullbridge?

The opportunities plan and draft master plan attached with this statement show a number of access options, including vehicular, pedestrian and cycle/bridleway links all of which will permit permeability and accessibility with the centre of Hullbridge. Understanding how well served a site is helps to ensure that any proposed development in the town meets the future needs of its residents. Mapping local facilities helps to understand how well served a place is and how walkable it is, which is a useful tool to demonstrate sustainability. Recognised acceptable walking distances to various local facilities are mapped on the Facilities plan as appended with the master plan, which shows 400m and 800m

isochromes. These equate to a 5 minute walk, which is regarded as an acceptable walking distance to local centre shops and a 10 minute walk, which is regarded as an acceptable walking distance to other services and facilities such as healthcare and leisure (Urban Design Compendium and Manual for Streets). The plan demonstrates that the entire site is within a 5-6 minute walk of the main local centre within Hullbridge and a 10 minute walk of key local services and facilities such as Riverside Primary School.

Wider reaching acceptable walking and cycling catchments include 2km (a 25 minute walk) to employment and education (PPG13 and The Institute of Highways and Transportation, Guidelines for Providing Journeys on Foot, 2000) and 5km (a 20 mins cycle ride) to employment (PPG13 and Department for Transport, Cycle Infrastructure Design Transport Note, 2008). As mentioned in our Submission response, we are concerned to ensure that existing shops and services within Hullbridge are utilised, and we are in discussions with the school and community groups on potentially improving recreational and community facilities in other parts of Hullbridge, again to foster integration.

v) If Site SER6 is found unsound, would Site 17 (Representations 28689 and 29006) be sound?

We do not consider that our site will be found unsound for the reasons given above. Site 17 forms part of option SWH4, our views on which were given above.

Summary of Response

Within the context of demonstrating soundness in line with para 182 of the NPPF, the Submission SADPD is closely aligned with the clear and locationally specific strategy set by the CS found sound by the CS Inspector. It has been positively prepared as it is based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, and consistent with achieving sustainable development.

The allocation of SER6 has been shown above to have been based on a robust and credible evidence base, informed by stakeholder participation by both RDC and ourselves, and the most appropriate strategy when considered against reasonable alternatives, all of which have been tested and rejected against the clear benefits offered by SER6. It is therefore justified. It has also been shown above that the site is deliverable and that Landhold Capital are advanced in exploring constraints and opportunities and in negotiations with key stakeholders and relevant agencies, with no insuperable

constraints to early development having been identified. As such, subject to the Inspector determining the degree of flexibility required, Submission DPD is effective.

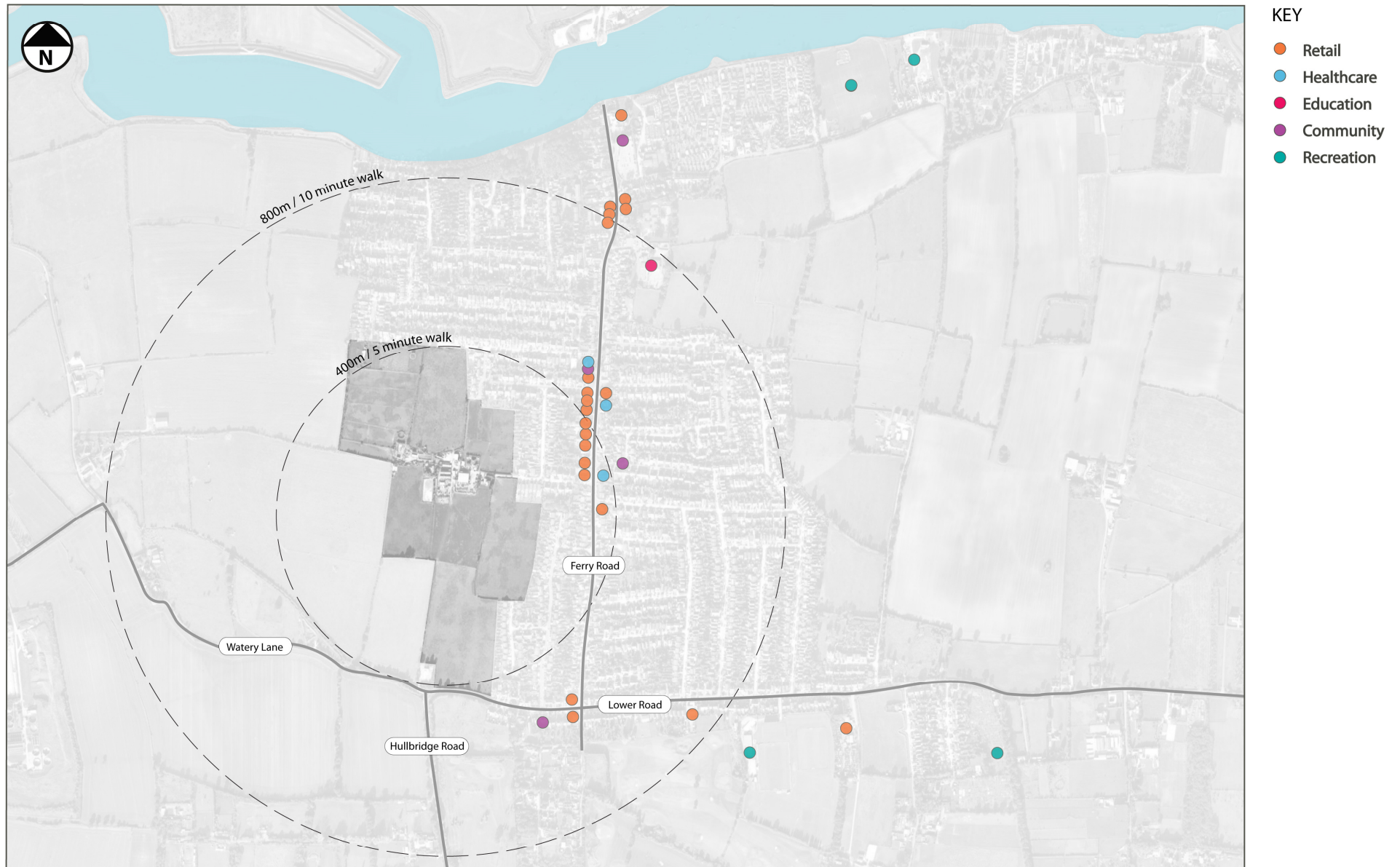
It has also been shown above that although planning policy has to a degree changed since the adoption of the CS, these changes were foreseen and taken into account in the final CS, such that the SADPD will be consistent with national policy enabling the delivery of sustainable development in accordance with the policies in the NPPF, with longer term housing needs determined within the promised early review of the CS.

As a consequence, we respectfully request that the Inspector finds the SADPD to be sound, and specifically with regard to proposed allocation SER6, subject to the minor changes requested above and within our response to the Submission SADPD.

Issue 2 Appendices

Appendix 1	Facilities Plan	9
Appendix 2	Masterplan	10
Appendix 3	Constraints Plan	11

Town wide facilities



Concept masterplan



KEY

- Residential block
- Lower density block
- Key frontage
- Vehicle access
- Potential vehicle access
- Pedestrian access
- Street/footpath
- Open space
- Formal/informal recreation
- Sustainable drainage feature
- Retained hedgerow/tree planting
- Proposed tree planting

KEY EDGES

- Protect views from existing properties along Windermere Avenue and Abbey Road. Proposed housing adjacent to these areas will be very low density; low in scale (up to 2 storeys high); set back from existing properties with deep rear gardens; and set apart from each other within wide plots.
- The impact on residential amenity (overlooking and daylighting) of all neighbouring properties will also be addressed by ensuring that new properties reflect similar space standards as the existing wherever possible i.e. similar scale and massing and garden sizes.
- Wherever possible, streets will be aligned to ensure key views out are maintained. This will provide viewing corridors along linear routes.

Site constraints

