

Council's Response to Inspector's Initial Questions (May 2013)

- 1) Format of policies – Each Policy relating to specific sites contains sections on site context and capacity, a site map and a concept statement. However, nowhere is it confirmed that these are sites (as defined on the maps) allocated for development. This is one of the functions of Local Plans according to the NPPF. In the light of this, is the Council satisfied that the policies would be effective especially when considering future planning applications against section 38(6) of the Town and Country Planning Act 1990?

Additional wording will be added to the appropriate policies to clarify that the identified sites within the policies are allocated for development or protection. Where changes are proposed to the Allocations Submission Document (April 2013), these have been set out in more detail in the attached schedule of changes, where appropriate.

- 2) Detail of policies – The NPPF indicates that detail should be provided on form, scale, access and quantum of development where appropriate. Having regard to this:
- a) Why is it said that requiring the use of Master Plans or site briefs for certain sites would be “unreasonable”?

Whilst the Council is not averse to receiving masterplans/design briefs, requiring them for all proposals would not be appropriate due to the differing scales of development. In any case, the preparation of a masterplan/design brief would need to be proportionate to the site.

As explained in the Consultation Statement, the Council would support the submission of masterplans/design briefs before planning applications are submitted, and would expect this to occur in the case of the development of many of the allocated sites. As such, the Council will include reference to the requirement for masterplans or design briefs to be submitted prior to the submission of a planning application, as set out in the attached schedule of changes.

- b) Why is it necessary for many of the concept statements to repeat requirements which stem from policies in the Core Strategy – specifically affordable housing (Policy H4), Lifetime Homes (Policy H6), Sustainable Drainage Systems (Policy ENV4), on-site renewables, Code for Sustainable Homes and BREEAM (Policies ENV8, 9 and 10) and retail development (Policy RTC2)? Furthermore, the infrastructure required for the development of newly allocated housing sites is set out in Appendix H1 and cross-referenced in Policy H1 so it necessary to repeat this or should the source of these requirements be clarified?

The Allocations Submission Document (April 2013) refers to Appendix H1 of the adopted Core Strategy which sets out the infrastructure and services required to accompany new residential development (paragraph 3.2).

The Concept Statements within the second (Brownfield Residential Land Allocations) and third (Settlement Extension Residential Land Allocations) chapters provide clarification and further detail on what is expected of new development.

It is considered that removing reference to the requirements set out in the Core Strategy would necessitate substantial changes to the policies at this stage. If, however, the Inspector considers their removal to be appropriate, then the Council can remove these references.

- c) What are Health Impact Assessments and is it necessary for these to be specified?

Health Impact Assessments are defined within the Core Strategy (paragraph 9.18), which states that:

“Health Impact Assessments (HIAs) can be utilised to ensure that developments have regard to healthcare provision needs. Health Impact Assessment (HIA) is an approach that ensures decision making at all levels considers the potential impacts of decisions on health and health inequalities. The assessments identify the actions that can enhance positive effects and reduce or eliminate negative effects on health and inequalities, including in relation to the provision of healthcare facilities.”

However, it is considered to be useful to include this requirement within the Concept Statements.

- d) Many policies contain reference to archaeological interest and a ‘standard’ paragraph, such as that at 2.40, is used. However, this contains reference to an area shown hatched black on the approved drawing which does not seem relevant in this context.

The text relating to archaeological interest in the Allocations Submission Document (April 2013) can be reworded as follows:

“The site may have potential to be of archaeological interest and this should be taken into consideration. No development shall commence within the area of interest shown hatched on the approved drawing, before the applicant has secured the implementation of a programme of archaeological work, ~~in accordance with a written scheme of investigation, which shall previously have been submitted to and approved in writing by the Local Planning Authority.~~ Upon the granting of any planning permission for the development of the site, ~~The developer shall~~ will be required to afford access to the site at all reasonable times to an archaeologist nominated by Essex County Council and shall allow their observations of the excavations and records to be made of any items of interest. ~~In this respect, not less than 48 hours notice shall be given in writing to the Local Planning Authority of the commencement of works requisite for the implementation of the permitted development.~~”

Further detail is provided within the attached schedule of changes.

- 3) Limits on housing – All of the SER policies contain limitations on the number of dwellings to be accommodated on those sites unless required to maintain a 5 year land supply but subject to a 5% ‘cap’. Arising from this:
- a) How will it be decided that further dwellings are necessary in the interests of maintaining supply?

Housing supply will be monitored through the Annual Monitoring Report. Officers will monitor the housing trajectory, which will indicate whether a greater housing land supply is required or not.

Indicators set out within the Allocations Submission Document Sustainability Appraisal (April 2013) will also be included within the Annual Monitoring Report.

- b) Is the 5% limitation reasonable given the time horizon of the Plan, the possibility of changing circumstances and the general aim of the NPPF to boost significantly the supply of housing?

The 5% limitation is considered to be reasonable as the sites identified within Policies SER1-9 are located in the Green Belt and are predominantly greenfield land, but without the limitation this could discourage the reuse of brownfield sites ahead of greenfield land. This also has the potential to discourage the development of windfall sites. In accordance with current guidance, windfall sites have not been accounted for and do not form part of the housing supply trajectory. However, the Council would expect windfall sites to come forward during the plan period and form part of the housing supply. The NPPF also cites 5% in relation to overall supply, which provides a useful indication of what buffer is considered to be appropriate.

- 4) Planning position – There are references to various sites being the subject of planning applications and permissions and of development having commenced. Please confirm the position in relation to all of the sites the subject of policies in the RASD where applications have been submitted recently and where any permissions are still extant. Details should be given of applications granted and those outstanding and undetermined and of any schemes that are progressing on site. As a result, is it necessary to revise any of the text relating to the individual sites as this is wholly silent in this respect? Moreover, does it render some of the details about certain sites superfluous?

The Council are mindful of emerging issues raised through planning applications in drafting the Allocations, and the Plan does not contradict the planning applications.

Only a few sites have commenced (at SER4 and SER5), but in the unlikely event that a revised planning application will come through during the plan period, there is no harm in having detail within the policies.

A report detailing the current position of planning applications for sites in the Allocations Submission Document (April 2013) as of 3 June 2013 is attached.

- 5) Green Belt

- a) Are all allocated sites to be removed from the Green Belt?

Yes, all the allocated sites identified in Policies SER1-9 are proposed to be removed from the Green Belt.

- b) There are many references to defensible Green Belt boundaries. What exactly should this term be taken to mean given that very special circumstances would need to exist

to justify inappropriate development within the Green Belt? Does it, for instance, relate to achieving a soft, landscaped edge to development or to creating compact settlements thereby avoiding the possibility of future proposals for 'infilling'?

Justification for the release of the minimum amount of Green Belt to meet housing and employment needs (exceptional circumstances) has been set out in the adopted Core Strategy.

A defensible Green Belt boundary is one which protects the openness and character of the area, prevents urban sprawl and is defined by permanent, easily recognisable features, where possible.

Within the Allocations, the Council has sought to soften the Green Belt boundary to prevent a harsh demarcation, limit further urbanisation outside the defined area and provide additional accessible greenspace in proximity to the local community.

A definition of a defensible Green Belt boundary can be included in the introduction of the third chapter (Settlement Extension Residential Land Allocations) as set out in the attached schedule of changes.

6) Core Strategy

a) Did consideration of possible sites omit those not identified by the Core Strategy?

The site options assessed in detail for housing and employment land on Green Belt land within the evidence base (67.EB18, 73.EB24, 74.EB25 and 75.EB26), and those which have been identified in the Allocations Submission Document (April 2013), accord with the general locations identified in the Core Strategy. The Core Strategy itself does not identify sites for development. The vast majority of the Green Belt will be protected in accordance with Core Strategy Policy GB1.

b) There is a commitment to an early review of the Core Strategy. Does this imply that sites identified as coming forward post 2021 may be revisited at that stage?

The sites identified to come forward post 2021 will be safeguarded for development.

The review is required due to the delay in the adoption of the Core Strategy; resulting from unforeseen delays during the examination (the Core Strategy was submitted in January 2010 but was not adopted until December 2011). Therefore the Core Strategy does not currently deliver a 15 year supply of housing land. The review of the Core Strategy will be looking to extend the plan period rather than reduce it, to meet development needs beyond 2025.

In addition, the NPPF seeks to increase the housing land supply, and so at this juncture, it is unlikely that the housing requirement would decrease.

7) Sustainability Appraisal – Some further explanation of the methodology would be of assistance. In particular:

a) Why are some of the 13 assessed elements given more than one score and some not?

The scores given are site dependent. A site may have a positive and a negative score against one objective depending on its potential impact, but this does not necessarily mean that the site would have no impact on that objective.

- b) How were the final scores for a site or an option derived? For example, if one element had both + and – did that count as 0?

If one element had a positive and negative score, this means that it would have both a positive and negative impact on that objective, rather than no impact. Where a site would have no impact on an objective, this is indicated within the appraisal score.

- c) Were all the elements given equal weighting?

Each of the sustainability objectives was considered on its own merits for each of the preferred and alternative sites assessed, as the same objective can be more pertinent for one site than another site in the same general location, for example one site may be located in a flood risk area but an adjacent site may not.

Sustainability Appraisal is a subjective assessment, and is not intended to be an absolute method for quantitatively scoring 'sustainability'. Quantitative weighting, particularly given the wide-range of sub-criteria used to aid decision-making for each objective, can lead to inaccurate results as it is not appropriate to quantify some criteria. The Planning Advisory Service recommends that when determining the significance of effects:

"Be careful with mathematical models which can be difficult to use to determine significance. It can be tempting to allow formulae and scoring to lead to an artificial 'certainty' in the model. A comparison of scores on issues which are actually quite subjective can be more unhelpful. However, consider using quantitative information where possible (e.g. the distance of a site to services and facilities) to determine significant effects."¹

However, each preferred and alternative option has been assessed relatively to one another in qualitative terms. Each objective has generally been given an equal weighting, and has been broadly scored depending on the qualitative assessment – the scoring gives an indication of the relative significance of each objective and sub-criteria for the preferred and alternative options to enable comparison.

- d) Many of the selected sites and rejected options are in close proximity to one another and yet receive different scores. Using NEL3 and Option E19 (Great Wakering) as an example please explain the rationale behind the scores given for Balanced Communities and Landscape & Townscape.

The Sustainability Appraisal is a site specific assessment which has looked at sustainability relative to the different site options. This means that even though the sites are in proximity (as they are located within the same general location), they have been scored relatively to one another.

¹ Planning Advisory Service 'The Principles of Plan Making' Chapter 6: Sustainability appraisal. Available from: <http://www.pas.gov.uk/pas/core/page.do?pageId=1867285>

Both NEL3 and Option E19 perform similarly in terms of their capacity to ensure the retention of local employment opportunities. However, in terms of the balanced communities objective, NEL3 receives a '++' compared to the '+' received by E19 primarily due to the closer proximity of E19 to proposed residential development at BFR1. E19 is therefore considered to potentially have a less positive impact on quality of life and residential amenity than NEL3. NEL3, however, would be less accessible in terms of equal access and opportunities for the local community than E19 which could have a negative impact on this objective. NEL3 therefore also received a '-' for balanced communities.

In terms of the landscape and townscape objective, both NEL3 and E19 received a '+'. E19 has the potential to create a strong Green Belt boundary, and whilst NEL3 would not create a defensible Green Belt boundary *per se*, the requirement within the Concept Statement to provide significant green buffers to the north, east and south (which are Green Belt compatible) would ensure the boundary is defensible in this location. This would also have a positive impact on the landscape character of the area, which is considered to mitigate the negative impact of its location. NEL3 therefore also received a '0' for this objective. However, E19 was assessed as a stand-alone option (without the policy support) and so was considered to have a negative impact on landscape character, as would the other alternative employment land options for this general location to the south of Great Wakering.

- 8) Policy BFR2 – How does this policy relate to the Hockley Area Action Plan and does it serve any purpose bearing in mind Policy H1 (and Appendix H1) and Policy RTC6 of the Core Strategy?

The HAAP and the Allocations are two separate planning documents. It is considered appropriate for the Allocations to highlight that this site (BFR2) will no longer be allocated for employment use in accordance with the Core Strategy, whether the HAAP is adopted or not.

The HAAP provides the detailed planning policies for the centre of Hockley (and in particular BFR2).

- 9) Policy SER1 – Does the first sentence of paragraph 3.27 need to be clarified to confirm that at least one access point should be provided from both Rawreth Lane and London Road?

Paragraph 3.27 can be amended as suggested to clarify this:

“At least two vehicular access/egress points onto and off the site for vehicular traffic should be provided from Rawreth Lane and London Road; at least one point should link to Rawreth Lane and at least one point should link to London Road. The site should be configured such that the majority (in the region of two thirds) of dwellings are accessed from London Road. The potential to provide a circular link with one strategic access point and one secondary access point onto London Road should be explored. A bus link will be created between Rawreth Lane and London Road (see Figure 7). However, the road layout within the site will be such that there is no link for private cars between Rawreth Lane and London Road through the site. This could take the form of bus gates, cameras, and/or other forms of engineering to ensure that

the relevant section of road is only suitable for buses. This should be determined at the planning application stage in consultation with the relevant bus company and the local highways authority. In addition a Traffic Regulation Order would be required to restrict movement for other road users along this route. However, a link between London Road and Rawreth Lane for all forms of transport may be explored. The route should be such that it would not encourage its use as a 'through-route' between Rawreth lane and London Road. The options for this site should be explored in consultation with Essex County Council highways."

This is set out in the attached schedule of changes.

- 10) Policy SER3 – Paragraph 3.102 refers to the use of an existing access/egress from Folly Lane but this is not included within the boundary of the site map. Does this need to be adjusted?

The existing access/egress onto Folly Lane is situated within the existing settlement boundary, and does not require reallocation.

- 11) Policy SER6

- a) Why is Malyons Lane the preferred access to the east as indicated in paragraph 3.192?

Each of the general locations and potential site options were discussed with Essex County Council Highways. During one of the discussions in February 2012, it was suggested that Malyons Lane could form a vehicular route onto Ferry Road as set out in the notes of the meeting that form part of the evidence base (79.EB30):

"It was suggested that a new junction could be created along Lower Road, and access could be provided along Malyons Lane. Other routes would be pedestrian."²

- b) Paragraphs 3.195 and 3.196 indicate that issues of wastewater transmission and connection with the existing main will need to be determined in conjunction with Anglian Water and Essex and Suffolk Water. Is the Council satisfied, based on the views of those bodies, that these matters can be resolved?

Both Anglian Water and Essex and Suffolk Water were consulted on the submission document. Neither stakeholder commented on Policy SER6 during the consultation.

- 12) Policy SER7 – Having regard to Q5 above how will the "green buffer" referred to in paragraph 3.211 be situated within the Green Belt when the entire site is shown to be allocated?

The site identified in Figure 13 is allocated for development, but the green buffer is proposed to be provided to the north of the site within the Green Belt. A green buffer is a Green Belt compatible use. Whilst the green buffer may form part of a planning

² Notes of Meeting with Highway and Public Transport Representatives at Essex County Council (ECC) 22nd February 2012. Available from: http://www.rochford.gov.uk/sites/rochford.gov.uk/files/documents/files/planning_evi_base_highwaymeetingfeb.pdf

application area, it would still be located in the Green Belt. As an example, development has been approved to the west of Rochford which proposes a green buffer outside the development area (Reference: 10/00234/OUT).

- 13) Policy SER8 – Other than housing land supply issues are there any overriding reasons or constraints that mean this site needs to be safeguarded until 2021?

The Core Strategy identifies that land in the general location of South East Ashingdon will be safeguarded from development until post 2021 (Policy H3). The Council does not wish to release Green Belt land unnecessarily early, however, both the Core Strategy and the Allocations have inbuilt flexibility to enable sites identified later on in the plan period to come forward earlier, should it be demonstrated that this is necessary to ensure a rolling five year supply of housing land.

- 14) Policy SER9

- a) These are, in effect, 2 distinct sites and could be developed independently. Should detail about the form, scale, access and quantum of development therefore be provided separately?

Where an issue is specific to one or other of the sites identified to the west of Great Wakering, this has been indicated in the text (they have been split into SER9a and SER9b). The quantum of development split across the sites, as well as the scale, access and form of development, will be dependent on the details set out in the policy and would be determined at the planning application stage. Further information on the capacity of these sites can be found in the Strategic Housing Land Availability Assessment Review (2012).

- b) It is said in one representation (page 303 of the Consultation Document) that there is a large natural gas main across SER9a. Although noting the Initial Officer Comments is there any more information on this point from the relevant utility companies?

There is an 18" high pressure gas main located to the west of SER9a which runs parallel to Star Lane. Although located in close proximity to the site – the gas main runs north to south through the field to the west of Little Wakering Road as indicated on the attached map – it is not located on-site.

As a statutory consultee, the Health and Safety Executive were consulted during the pre-submission consultation; however, they did not make a formal representation.

- c) Paragraph 3.288 refers to the option of gaining access from SER9a onto Southend Road to the south. However, this would appear to involve land outside of the allocation. Does the text or the Site Map need to be revised as a result?

If it is considered appropriate/necessary to provide access to the south of SER9a onto Southend Road at the planning application stage, there is an existing road located to the south (Old School Meadow).

The site options for Great Wakering were discussed with Essex County Council Highways but they did not raise any fundamental concerns in relation to this site.

15) Policy GT1 (see also Q17 below)

a) Is it feasible to develop this site for gypsies and travellers in isolation of Policy NEL2?

An upgrading of the highways in the proposed location of NEL2 is not required to just serve the proposed Gypsy and Traveller site, so this site could be delivered in isolation of the proposed adjacent employment site.

b) Will the Council use CPO powers if necessary to deliver this site prior to 2018 in line with Core Strategy Policy H7?

The Council will prepare a statement on the anticipated delivery of the site in due course. It should, however, be noted that a court order has been made against the land owner of the whole site (consisting of GT1 and NEL2) to clear it by January 2014 (please see attached court order).

c) Were members of the gypsy and traveller community or their representatives consulted about the proposed site allocation?

A number of groups, specifically the London Gypsy and Traveller Unit and National Federation of Gypsy Liaison Groups, and planning agents representing Gypsy and Traveller communities have been consulted on the Allocations, however, there has been a lack of response from these consultees.

d) What is the Council's position regarding the provision of sites for travelling showmen?

An objective assessment of need for Gypsy and Traveller pitches and plots for travelling showpeople was undertaken as part of the 2009 Essex Gypsy and Traveller Accommodation Assessment.

This document, which forms part of the evidence base (59.EB10A), found that between 2008 and 2021 there is no requirement to provide plots for travelling showpeople within the District (Table 15.5).

Consequently the adopted Core Strategy did not identify a need to provide plots for travelling showpeople, and the Allocations Submission Document (April 2013), in accordance with the Core Strategy, does not propose to allocate plots for this use. Both documents have been prepared based on the most up to date evidence available.

However, the Council can confirm that a new assessment of need in Essex has been commissioned to be carried out, and this new assessment will inform the review of the Core Strategy.

16) Policies NEL1 and NEL2 – It is indicated that site NEL1 is for light industry and offices and site NEL2 for heavier industry and waste transfer businesses. Although referred to in paragraphs 5.10 and 5.33 should these different functions be made more explicit?

It is preferable for NEL1 to accommodate office and light industrial uses as set out in the Plan. Conversely it is considered appropriate for NEL2 to accommodate heavier industrial uses, which are more likely to be using HGVs, due to the sites' good transport links. The Council is mindful that a residential use would be located adjacent to such employment uses, however, mitigation measures have been integrated into the Plan, for example the location of the site in relation to the prevailing wind direction

and the requirement for the provision of green buffers around the residential use. A statement from the Council's Principal Environmental Health Officer will be provided in due course. Applications for B8 uses on NEL1 or NEL2 will not be considered favourably due to their inherently lower job density than other employment uses.

Therefore it is considered to be appropriate for the use classes that would not be acceptable on each of the sites to be set out in the above paragraphs to clarify this.

Paragraph 5.10 of the Allocations Submission Document (April 2013) can be amended as follows:

"The allocated area to the south of London Road has the capacity to accommodate light industrial and office businesses displaced from Rawreth Industrial Estate and additional office uses. It is envisaged that the existing uses on site will be retained. Uses which are classed as B2 or B8 will not be supported on this site."

Paragraph 5.33 of the Allocations Submission Document (April 2013) can be amended as follows:

"The site is able to accommodate heavier industry and waste transfer businesses displaced from Rawreth Industrial Estate. There is also capacity to accommodate a recycling facility (1.2 hectares). Uses which are classed as B1 or B8 will not be supported on this site."

- 17) Policies NEL2 and GT1 – Essex County Council does not support the allocation of this site for employment on highway grounds (comment 166 of Appendix 3 of the Consultation Statement and comment 143 relating to Policy GT1). The Initial Officer Comments indicate that discussions on access/egress issues are taking place but what is the current position?

The Local Planning Authority is in discussions with Essex County Council regarding this issue. It is understood that the landowner has appointed a specialist consultant to develop a solution for safe highways access to the site.

- 18) Policy NEL3 – Paragraph 5.64 indicates that the allocations at Great Wakering should be comprehensively planned and there should be one access point onto Star Lane. Given that this site would be physically separated from those covered by Policies SER9b and NEL3 how is this to be achieved?

It is anticipated that there would be one access/egress point along Star Lane which would then split to serve the proposed developments at BFR1, SER9b and NEL3.

Minor Modifications

1. The Initial Officer Comments indicate that some amendments are proposed (for example in relation to paragraph 3.37 on page 208 of the Consultation Document). Have these changes all been incorporated in the Submission Document of April 2013?

Yes, the proposed amendments to the Allocations Submission Document (November 2012) are set out in Appendix 8 of the Consultation Statement. These amendments have been incorporated into the Allocations Submission Document (April 2013).

2. If the Council intends to make minor modifications to the Document then a table should be prepared, referencing all such changes and containing the wording of the proposed modification. This table should be posted on the Examination website and kept up-to-date throughout the examination process. Minor modifications are alterations to the Document that have no bearing on its soundness. Confirmation that this course of action will be adopted would be appreciated.

The Council has prepared a separate schedule of changes for the Allocations Submission Document (April 2013) and can confirm that this will be posted on the website and kept up-to-date.