

Representation Number 28905

Policy SER1 North of London Road, Rayleigh (and supporting text)

Introduction

Our clients, Countryside Properties, control land between London Road and Rawreth Lane to the west of Rayleigh, and are committed to the delivery of a high quality sustainable urban extension in this location, in accordance with the Adopted Core Strategy. They are in the process of drawing up their Masterplan proposals for the site.

We support much of the Site Allocations DPD as it relates to site SER1, and the Council's broad vision for the area is essentially the same at the vision that Countryside Properties has for the area. However, there are specific elements of the site allocation and the Concept statement with which we disagree. In particular, and as discussed further below, we do not agree that the western extents of the proposed allocated area for a logical boundary to the development, provides the necessary flexibility that the Masterplan requires (as per our representations elsewhere), or provides an appropriate long term Green Belt boundary, having regard to paragraph 85 of the NPPF.

Representations

Paragraphs 3.17, 3.19, 3.20 and Figure 6 – Site Capacity, Reserve Land/Flexibility and Green Belt Boundary

We agree that the quantum of development and list of land uses identified in the Concept Statement is capable of delivery within the area of land shown in Figure 6. We do not seek to suggest that the quantum of land proposed for allocation is, per se, insufficient for the stated purposes.

However, we do not consider that the boundary shown for the proposed allocation (which in effect defines the new boundary to the Green Belt) is the most appropriate (and therefore Justified), will enable the full requirements of the Core Strategy to be delivered (Effective/Positively Prepared), or that it is consistent with the objectives for the long-term protection of the Green Belt (compliant with National Policy). We consider these matters further below.

Paragraph 85 of the NPPF sets out 6 requirements for LPAs when defining boundaries, and we consider these each in turn, and in the context of the above:

- (i) Ensure consistency with the Local Plan Strategy for meeting identified requirements.

Figure 6 is labelled "residential area pre 2021" and in so far as the Core Strategy requires development of 550 homes in this area by 2021, it is consistent with the Core Strategy.

However, as previously discussed, the Core Strategy requires flexibility from the growth locations so that they can potentially accommodate additional development, to make up for shortfall elsewhere. Unnecessarily constraining the development area removes the flexibility that the Core Strategy requires, and therefore the allocation is not consistent with the LP strategy, as adopted in the CS.

Furthermore, the Core Strategy itself only covered a 13 year period to 2025, and, in advance of the promised Core Strategy review, there can be no certainty at this stage as to where further development may be accommodated in the medium term (i.e. beyond the remaining 12 years covered by the Core Strategy).

- (ii) Not include land which is unnecessary to keep permanently open.

It will be evident that the boundary shown on Figure 6 on the western side of the proposed allocation is arbitrary in nature. Since the pylons are likely to remain, the Council has broadly used this as a boundary to the western extent of the development, and in the Concept statement, the Council refers to a need for a 'green buffer' on the western side of the development. It will be seen that towards the southern half of the site, the pylon line is used as the extent of the development, whereas to the north of the area, the development edge is set back some 60m from the Pylon line. Following the terminology used in the NPPF it is difficult to see why this thin strip of land between the pylons and the edge of the development is "necessary to be kept permanently open" on the north side of the site, whereas on the south side of the site there appears to be no such need. Taking in to account also that there will remain a substantial area open, undeveloped land to the west of the Pylon line, the 'necessity' for retaining this strip of land is further diminished.

A common application of logic to the definition of the Green Belt boundary would be that, if the pylon line is to be used as the physical marker for the Green Belt boundary, that marker is used consistently for the western edge.

There is no definitive guidance on appropriate off-set distances from power lines. From a Masterplan and from a marketing perspective, Countryside Properties are proposing to leave a separation of around 30 metres. There is no justification that we are aware of for a 60m off-set.

- (iii) Where necessary, identify in their plans areas of 'safeguarded land' between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period.

For the reasons given elsewhere in our submissions i.e. this is an instance where the Site Allocations only has a relatively short time horizon (up to 2025), and where it is acknowledged that an early review of the Core Strategy is required in order to extend the life of the plan and render it NPPF-compliant in terms of housing requirement, this is a situation whereby the LPA should be looking to identify safeguarded land to ensure that Green Belt boundaries set now will endure beyond the length of the Plan period.

Indeed, in this instance, the setting of a Green Belt boundary to 2021 (which is what Figure 6 is stated to be) ignores the fact that additional land may well be required to be brought forward within the lifetime of this Plan, in order to meet a likely lack of delivery elsewhere in the area.

- (iv) Make clear that safeguarded land is not allocated for development at the present time.

A simple alteration to the Concept Statement could make clear that any safeguarded land is not allocated for development.

- (v) Satisfy themselves that Green Belt boundaries will not need to be altered at the end of the development plan period.

For the reasons given above, there can be no certainty that the Green Belt boundary as proposed might not need to be altered within the current Plan period to cater for lack of delivery elsewhere, since the 5% flexibility allowance is insufficient, let alone certainty that it would not need to be altered at the end of the Plan period.

- (vi) Define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.

We accept that the lack of substantial boundaries on the ground does represent a challenge to defining the Green Belt boundary in this location, but the NPPF nevertheless states that this should be achieved.

As stated above, if the pylons are to be used as the new Green Belt boundary, then this should be applied consistently, and the off-set on the northern side, which follows no feature whatsoever, removed and the line redrawn westwards to the pylons.

However, there are physical features on the ground that could be used in this instance, and taking in to account also the need for some flexibility in the site area, and the need to define a Green Belt boundary that may endure, a more appropriate (and therefore Justified) Green Belt boundary can be set, which would also then be consistent with National Policy.

In accordance with our comments above, at the very least, if the pylon line is to be used as a physical marker for the Green Belt boundary, then it should be applied consistently, and the arbitrary 60m off-set for part of its length removed, such that the Green Belt boundary/allocated site would be as shown on the plan at Figure 1 overleaf:

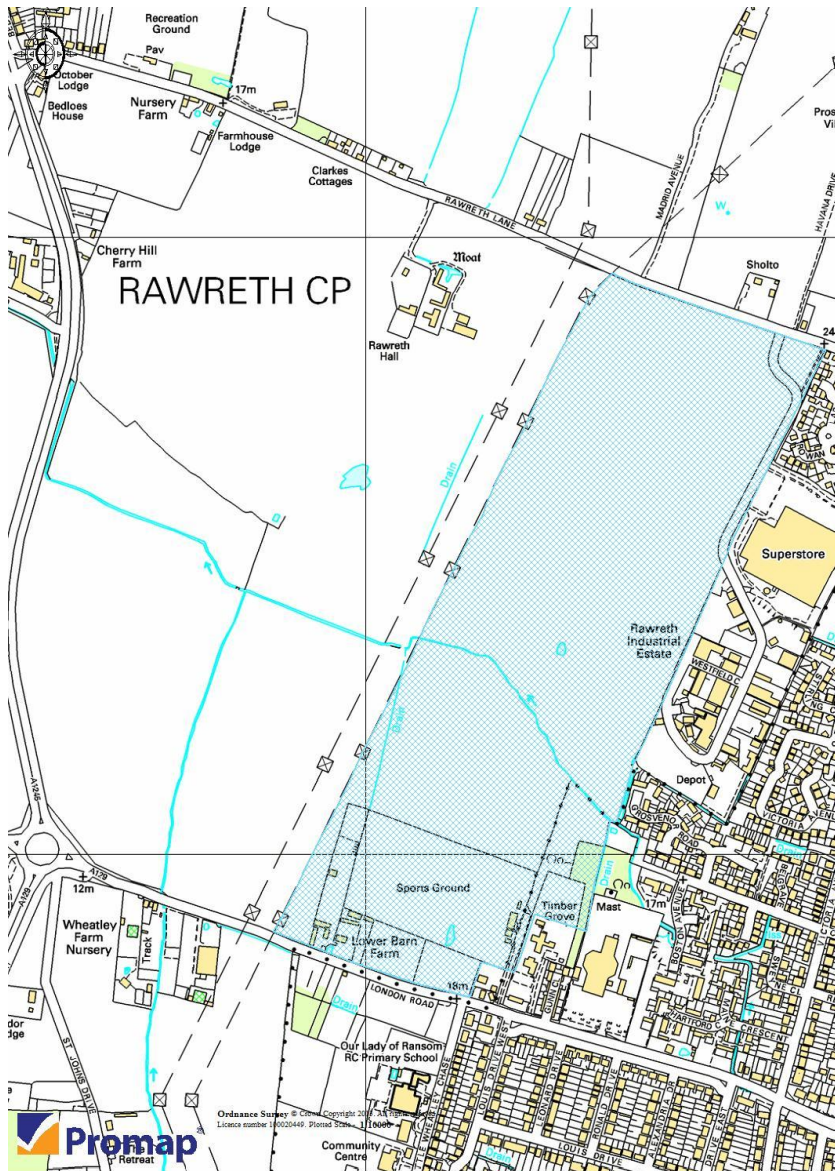


Figure 1 – Green Belt boundary using pylon line.

However, to properly comply with the NPPF and the adopted Core Strategy, then as per our submissions above the Green Belt boundary should be defined for the long-term, taking account of physical features, and provide the flexibility necessary to ensure that the requirements of the Core Strategy can be met. The proposed alternative boundary is shown on Figure 2 overleaf.

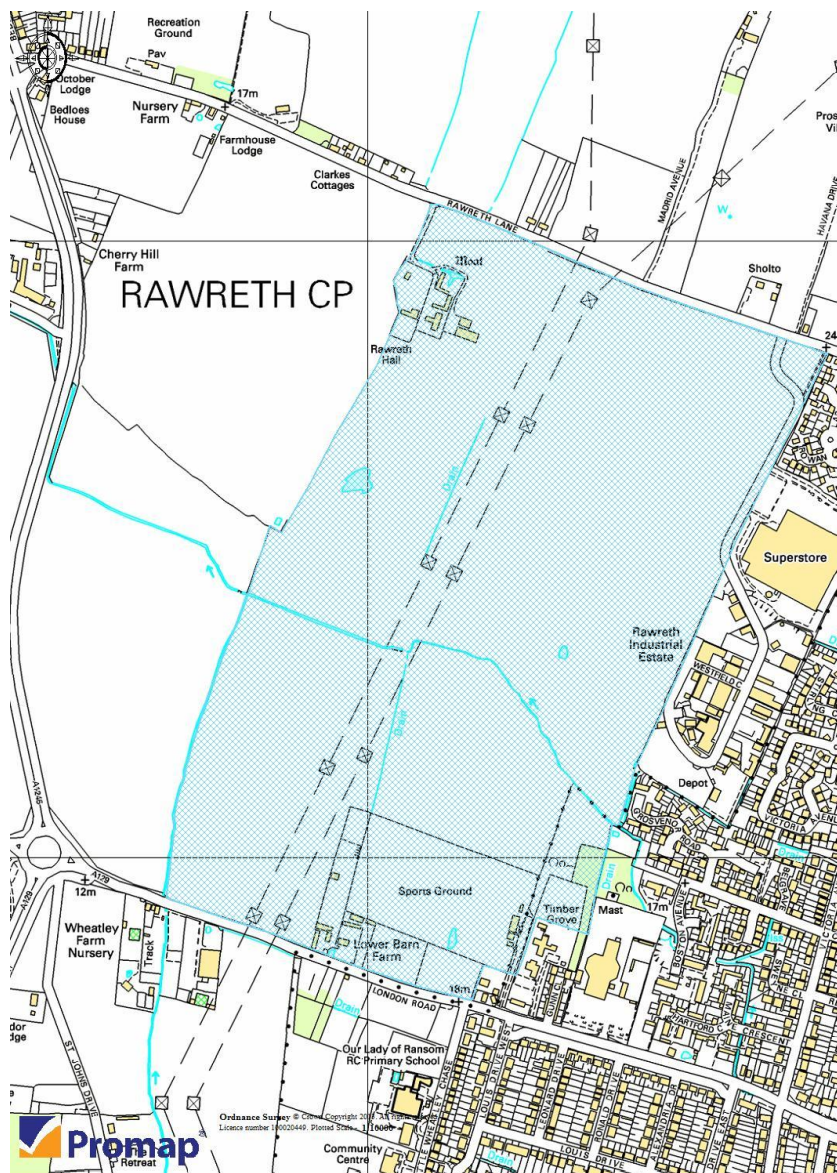


Figure 2 – NPPF and Core Strategy compliant boundary.

Of course, it does not follow that the proposed housing itself would extend to the west of the Pylon line, even with the proposed revised boundary. The Concept Statement requires a green buffer to the west of the development, and even though excluded from the Green Belt, there is no reason why the land between the pylons and the revised boundary cannot stay open and used for such purposes.

However, the revision of the Green Belt boundary in the manor suggested will:

- (a) accord with the criteria in the NPPF for definition of boundaries having regard to physical features and permanence;
- (b) provide flexibility, should there be a need for additional development (whether as a result of a shortfall in housing, or, as per our separate objections to Policy NEL1, a shortfall in commercial land to meet the Core Strategy requirement);

- (c) will ensure that all infrastructure associated with the development can be provided within the area excluded from the Green Belt (including the means of access from London Road, which is proposed west of the pylon line, and the link road between London Road and Rawreth Lane, which is also likely to run west of the pylons at least in part);
- (d) would enable open spaces uses such as any relocated playing fields (and associated parking areas/buildings) to be provided within the excluded area; and
- (e) will allow a comprehensive approach to Masterplanning which recognises at least the potential need to allow for flexibility, rather than relying on ad hoc additional releases in the event of a shortfall in delivery.

Paragraphs 3.24-3.25 – Open Space Requirements

We do not disagree with the need for appropriate open space provision, or for open space suitable for the various uses set out. However, the level of prescription set out in these two paragraphs is excessive, and unnecessarily curtailing on the design solution. It would be more appropriate (i.e. Justified) to aggregate the open space areas together in to a general quantum to be provided to meet the end users suggested, and then allow the Masterplan to determine the best configuration for the site.

Paragraph 3.27 – Access and traffic distribution (and Figure 7)

In advance of more detailed traffic modelling, it is inappropriate to be precise about the split of traffic between the northern and southern access points. Whilst there is no objection as such to the inclusion of the proportions suggested as a guide, there is no substantive evidence at the moment to justify a definitive approach (Justified), and the text should be caveated with the addition of “subject to more detailed testing through the site Masterplan and application stages”.

In addition, we note that the first sentence of this paragraph is potentially confusing as to whether the Council is seeking two points of access from both London Road and Rawreth Lane, or two points of access overall (the latter is correct). Clarification of the text would assist successful delivery by avoiding confusion (Effective).

Finally, we are not aware that there is any substantive evidence underpinning the suggestion of two points of access to London Road. It is unclear as to what the function of a ‘circular link’ might be. This text should be deleted if it is not Justified.

Paragraph 3.35 – Green Buffer and Allotments

Whilst understanding that the Council desire for the Green Belt beyond the development to be protected, there is no justification that we are aware of as to why such greenspace should be publically accessible or form parkland.

The preceding paragraphs establish the quantum of formal/informal open space necessary to meet the needs of residents from the development, and therefore there is no quantitative need for additional publically accessible greenspace above and beyond that provided within the site.

If the objective is to maintain a green buffer, then the retention of land in agricultural use would be equally effective.

Whilst no objection is therefore raised to the provision of a 'green buffer' to the west of the development, which would be provided by the Green Belt, we do not consider that a requirement for additional publically accessible greenspace has been Justified.

Finally, we note that the end of this paragraph refers to the fact that allotments 'may' be provided within this buffer. In our view, there may be more appropriate locations for the provision of allotments (for example, within the buffer that will be needed between the new development and Rawreth Industrial Estate, where it would be accessible to new and existing residents), and we would question whether such a use would actually be desirable in landscape terms on the western fringe of the development. Whilst accepting that this paragraph says 'may' only, it would be more appropriate (i.e. Justified) to split the reference to allotments in to a new paragraph, and make clear that there are other locations within the site where the allotments may be provided.

Paragraph 3.37 – Relocation and replacement of existing playing fields

We note that this paragraph states that the existing playing fields "should" be relocated, and that the revised facility should be within 340 metres of the existing site.

Taking the latter point first, a radius of 340 metres from the existing site, even taking the central point from the north-western tip of the existing site, results in an extremely limited search area for a replacement facility. The options are essentially limited to putting the replacement facility either:

- (a) On the adjoining land to the north, which would seem a little pointless;
- (b) Under the pylon lines immediately to the west; or
- (c) Partially in the floodplain of the brook.

In addition to the above, any replacement facility within that radius will be on land that would require reprofiling to make it level, whereas the existing site is already flat.

In the light of the above, we would suggest that the 340 metre limitation is not appropriate. We understand that it is based on not wishing to locate the facility substantially further away from those who currently walk to the site, but in practice the alternative siting options within that radius are all constrained, and will require extensive works.

Moreover, given the limitations on the alternative siting options, the cost of replacement, and the desire of the Council not to move the pitches further away from existing residents, it seems the most appropriate option may well be to leave the pitches in their current location.

It will also be important to ensure that any decision to relocate the pitches does not result in the unnecessary delay of the development itself, given the limited time available for the commencement and completion of the 550 units by 2021.

Whilst recognising that a replacement structure built to BREEAM Very Good criteria would be a benefit to the Sports and Social Club, we query whether this should be a requirement of the development, as opposed to an objective that the land owner (i.e. Rochford District Council) and the developer might seek to achieve.

In the light of the above, we consider the following amendments necessary to ensure this paragraph meets the Justified and Effective tests (alterations in italics):

*“The playing fields to the south of the site along London Road may be relocated as part of the development. A replacement sports field with new ancillary facilities together with a new club house *would* be required to be provided ahead of any removal of the existing facility so as to ensure the continued and uninterrupted operation of this valuable community facility. *It will be necessary to ensure however that any relocation does not delay or prejudice the implementation of the development in accordance with the timescale set out in the adopted Core Strategy. The Council will encourage any new structure to be built to the BREEAM (Very good) standard thus providing a new, efficient and environmentally friendly establishment which will be of great advantage to the community as a whole and to the operators of the Sports and Social club. The location of any replacement facility should be established within the Masterplan to be prepared for the site, and should be informed by consultation with the existing users.* Additionally any new facility should be well connected to the pedestrian and cycling network.*

Paragraph 3.45 – Retail/Neighbourhood centre, and commercial uses.

Given the existence of a neighbourhood parade to the south, a local petrol filling station shop, a local Tesco extra, and most significantly Asda to the east, it is unlikely that a neighbourhood parade of shops within this development would be viable. In order to be Justified, reference to such a facility should be change to “could be integrated” rather than “should be integrated”.

However, it would be appropriate to include within the mix of uses an allowance for some small-scale business use, particularly in the light of the lack of deliverability of the proposed commercial allocation south of London Road (see our separate representations to NEL1). An element of commercial/business use within this broad location would help achieve a sustainable mix of uses, help to create vitality across the whole of the Masterplan area, and allow full use of land within the allocated area in locations that might be unsuitable for other reasons for residential use.