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DC/08/256/01
BY POST & EMAIL

Dear Shaun,

CORE STRATEGY EXAMINATION - BUDGET 2011 - PLANNING FOR GROWTH

Following your letter seeking views on the implications of the planning policy changes that were announced in the 2011 Budget and the Written Ministerial Statement 'Planning for Growth' issued by The Rt Hon Greg Clark MP, we write on behalf of Colonnade Land LLP (CLLLP) to confirm how these matters affect the soundness of the Rochford Core Strategy.

In summary, we consider the matters addressed support the case made by CLLLP, which contended that the Core Strategy is unsound for a number of reasons. The rationale for this contention is set out below in further detail

We also take the opportunity to note the recent confirmation from The Rt Hon Bob Neill MP, Planning Minister, that the Government will carry out an environmental assessment of its decision to revoke Regional Strategies. It appears that this decision was taken in recognition of the judgment of Mr Justice Sales that it would be unlawful not to do so and despite of the evidence put to the High Court on behalf of the Secretary of State for Communities and Local Government that "there is no way in which [a strategic environmental assessment] could be done on the revocation of a [Regional Strategy]". [para 66]

Regardless of the difficulty that may be faced in undertaking strategic environmental assessment of the decision to revoke Regional Strategies, either as a whole, or individually subject to the Localism Bill receiving Royal Assent, or the time taken by the process, this announcement only serves to confirm that the East of England Plan remains part of the Development Plan for Rochford and the Core Strategy is required to be in broad conformity with it.

Turning back to the content of changes to the planning system announced in the 2011 Budget and the Written Ministerial Statement, principal amongst these is the presumption in favour of sustainable development. It is described as a "powerful new principle underpinning the planning system that will help to ensure that the default answer to development and growth is "yes" rather than "no", except where this would clearly compromise the key sustainable development principles in national planning policy, including protecting the Green Belt and Areas of Outstanding Natural Beauty."

Applying the presumption in favour of sustainable development in Rochford, where the need for Green Belt release for housing has been established, the Core Strategy should identify East Rochford as a broad location

for housing growth for two principal reasons. The first is because the Coombes Farm site, which is located in East Rochford (adjacent to the Stambridge Mills site), is the only major residential development proposal to have satisfactorily demonstrated its sustainability credentials through the planning system – having been the subject of a detailed Environmental Impact Assessment which did not identify any significant adverse effects on the environment, as was evidenced by the lack of technical objections to the proposals from either the Council or the Secretary of State. The second is because the assessment of the 'reasonable alternatives' by the Council in defining the broad locations for growth was fundamentally flawed and biased against the identification of East Rochford by virtue of a) its dismissal on transportation grounds that were subsequently proven unfounded through the planning application process; b) the assessment of the broad locations was undertaken in an arbitrary manner, with East Rochford assessed only against West Rochford and not against all of the reasonable alternatives as required by PPS12; and c) did not assess the proposed broad locations in terms of their relative effects on transport, the Green Belt and the landscape.

Considered in the context of the above, the Core Strategy remains unsound until the rationale for dismissing East Rochford as a broad location for housing growth is supported by robust and defensible evidence that clearly supports the choices made by the Council in an open and transparent forum. It is also significant that the Sustainability Appraisal of the proposed changes to the Core Strategy confirms that the effect of the proposed changes on the housing objective will be negative, as the range and affordability of dwellings will be reduced. However, it fails to identify any realistic mitigation measures to compensate the negative effect or effectively balance the eventual loss of land to development that would occur with the significant and real negative social and economic implications of reducing housing provision figures. In all regards, the Core Strategy, if adopted, would contradict the presumption in favour of sustainable development by promoting sites which are in locations inherently less suitable than East Rochford.

Furthermore, the decision of the Council to propose the arbitrary reduction in its housing provision targets means that the Core Strategy is not in broad compliance with the Development Plan. It is also contrary both to the requirement to take account of the importance of housing development to the stimulation of growth of the national economy and the intention of the Secretary of State in seeking to revoke Regional Strategies, being the proposed promotion of more extensive house building overall (see paragraph 60 of the judgment of Mr Justice Sales). Specifically, East Rochford is capable of delivering the form of sustainable development sought by the Government in a suitable and viable location in accordance with the principles set out in The Plan for Growth.

As it stands, the assessment of Coombes Farm through the planning process indicates that East Rochford is the most sustainable option for housing growth in the District and in this context the presumption in favour of the sustainable development within East Rochford should be engaged.

Yours sincerely,



David Churchill
DIRECTOR