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Ms Lissa Higby
Council Offices
South Street
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27 January 2011

DC/08/256/01
BY POST + EMAIL

Dear Ms Higby,

**ROCHFORD SUBMISSION CORE STRATEGY – EXAMINATION IN PUBLIC
RESPONSE TO CORRESPONDENCE RE PROPOSED REVOCATION OF THE EAST OF ENGLAND PLAN**

We write further to a recent exchange of correspondence with the Council regarding a request for further information and to provide an update on the Judicial Review of the Coombes Farm decision.

The request for information was made on behalf of Colonnade as it remains unsatisfied with the further evidence presented by the Council to your request for further evidence regarding the Housing Audit Trail. In particular, the Council's response fails to address the issues raised by Colonnade, and other parties, regarding the justification for the choices made by the Council, both in the context of the choice of locations when assessed against the reasonable alternatives and in the context of the implications of these choices in terms of their impact on the Green Belt, transportation and landscape.

The request for information covers a number of documents that we believe will be instructive in seeking to understand whether, as we understand to be the case, the justification for the choices has not been clearly informed by an objective assessment of the reasonable alternatives against the respective impacts. It also seeks to clarify the factual basis for the dismissal of the reasonable alternatives. This is particularly relevant in the context of the planning application for the development of Coombes Farm, where the issue of impact on the highway network was not a reason for refusal, nor was it relied upon by the Council at the appeal.

The Council is yet to provide the further information requested of it and has sought to extend the deadline for compliance with the original request. We have recently responded to seek immediate compliance with the request. In the event that the Council fails to immediately comply with the request, we formally request that you do not close the Examination until the request has been complied with and Colonnade is given sufficient time to scrutinise the information provided, review its content, and provide further written submissions to the Examination. As an extension to this, we feel that other objectors should also be given an opportunity to scrutinise the information presented and make further submissions, in the interests of transparency and accountability.

We also note that, having reviewed the responses of other parties, that there remain a broad array of concerns with the further evidence including the significant concerns of Cllr John Mason regarding the decision to omit evidence of the decision making process from the Housing Audit Trail. This matter is of significant concern to Colonnade and could form the basis of a challenge to the Core Strategy should the Inspector find it sound.

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Finally, we can confirm that the decision to refuse planning permission for the residential development of Coombes Farm has been quashed. The quashing of the decision related to the action brought by Cala Homes against the Secretary of State, but the details of claim for the Judicial Review identified a number of other grounds upon which the claim was being pursued. Included in these was a ground of claim relating to the reliance on the Sustainability Appraisals of the Core Strategy, specifically the irrationality of reliance on Sustainability Appraisals which expressly did not include any analysis of the effect on the Green Belt or on the impacts on highways or the landscape, and the failure to consider reasonable alternatives to the Green Belt locations identified. The same criticisms could be brought in challenge against any decision to find the Core Strategy sound.

We would be grateful for your urgent response to this request. We feel that this is an issue of very significant importance to both Colonnade and the soundness of the Core Strategy.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'PP' followed by a stylized flourish.

David Churchill
DIRECTOR

cc. Andrew Yeardley – Stratland Management Limited, p.p. Colonnade Land LLP