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**Planning Policy**  
Rochford District Council  
Council Offices  
South Street  
Rochford  
Essex  
SS4 1BW

7<sup>th</sup> July 2011

Dear Sir

**Response to Sustainability Appraisal Addendum of Rochford LDF Core Strategy  
Submission Document**

**Alternative Housing Site: - Lime House Nursery & Industrial Park, including the  
Garden Centre, The Drive/Eastwood Road, Rayleigh**

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We write further to the Council's letter dated 13<sup>th</sup> June 2011 requesting views on the Sustainability Appraisal Addendum of the Core Strategy Submission Document which has been prepared following the recent High Court Ruling *Save Historic Newmarket v Forest Heath District Council* that was found in favour of the claimant.

We understand that following this Hearing, it was held that:-

1. For there to be compliance with Article 5 of the SEA Directive, the public must be presented with an accurate picture of what reasonable alternatives there were to the proposed policies and why they were not considered to be the best option.
  2. Equally, the environmental report and the draft plan must operate together, so that consultees can consider each in the light of the other.
  3. In an iterative plan-making process, it is not inconsistent with the SEA Directive for alternatives to the proposed policies to be ruled out prior to the publication of the final draft plan, but if that does happen the environmental report accompanying the draft plan must refer to, summarise or repeat the reasons that were given for rejecting the alternatives at the time when they were ruled out and those reasons must still be valid.
  4. These principles were not followed in the present case. It was not possible from the environmental report accompanying the draft plan for the public to know what the reasons for rejecting any alternatives to the urban extension or to the amount of development proposed.
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5. A plan or programme adopted contrary to the SEA Directive was bound to be quashed regardless of whether any prejudice was caused to the particular claimant(s).

On the instructions of our client, [REDACTED], who own the Lime House Nursery & Industrial Park which includes the Garden Centre fronting onto the Eastwood Road that is a previously developed site on the edge of Rayleigh in the Green Belt, that has been promoted as an alternative housing option, we have considered the findings of the Sustainability Appraisal Addendum, and object on the following grounds:-

1. *Sustainability Appraisal Process*: PPS12 at paragraph 4.43 confirms that the Sustainability Appraisal (SA) should perform a key role in providing a sound evidence base for the plan, and form an integrated part of the plan preparation process. Furthermore, SA should inform the evaluation of alternatives and provide a powerful means of proving to decision makers, and the public, that the plan is the most appropriate given reasonable alternatives. The Planning Inspector who was appointed to undertake the Rochford Core Strategy Public Examination advised in her letter to the Council on 11th May 2011 that if the Council decide to carry out further work it should be transparent and open to public participation. It must not be undertaken as an exercise to justify a predetermined strategy.

Our concern with the Sustainability Appraisal Addendum is that this exercise has been carried out as a 'retrofit' exercise to support the preferred housing locations made earlier in the Core Strategy process, rather than providing a review of the 'whole' of the SA framework which has shaped the strategy and choices made for the District. The case-law which has prompted this review confirms that the environmental report and draft plan must operate together; this review of Alternatives is a bolt-on to the SA process, and therefore it lacks objectivity and transparency.

This concern is underpinned by the Council's Audit Trail that was produced at the request of the Inspector in response to objectors concerns at the Core Strategy Public Examination in June 2010. Unfortunately, this document provided little comfort to respondents that there had been a thorough comparative assessment of the alternative housing sites, instead it was used to justify a predetermined strategy. This has been confirmed by Cllr Black (Member of the Council's LDF Sub-Committee) who has stated that the LDF Sub-Committee met in private, so he couldn't reveal too much. However, he added, that Members did literally look at other locations (using a minibus), but didn't spend hours discussing the merits of each one.

Throughout the Core Strategy process, the public have not been presented with an accurate picture of what reasonable alternatives have existed to the proposed choices/policies, and therefore the process has failed to comply with Article 5 of the SEA Directive.

2. *Proposed Housing Development Locations*: Section 3 of the SA Addendum considers the General Housing Locations and confirms that Option E was chosen for the

distribution of housing growth, which involved allocating the total number of housing units to the top and second tier settlements, to gain a smaller number of large sites which was considered to deliver the greatest amount of infrastructure improvements.

We have previously expressed our concern over the distribution of housing growth in the District, and also the broad locations for housing that have been chosen. We maintain our earlier objections that this has not been undertaken in accordance with the settlement hierarchy. The Council have produced little evidence to justify ruling out Rayleigh, the main District Town from accommodating the majority of the housing growth despite it offering the most sustainable pattern of development.

Table 3.1 of the SA Addendum confirms the locations that have been chosen, and primarily comments on their accessibility, however, the appraisal has failed to carry out a comparative assessment of the alternative locations, and rank them accordingly. The process has not been part of an iterative plan-making process, and the Council's reasons for rejecting the alternative options to the urban extensions proposed are not valid or justified in policy terms.

3. *Detailed Appraisal Matrices:* Appendix 1 of the SA Addendum considers each of the preferred geographical locations identified together with the alternative locations against the SA Objectives. Throughout the Core Strategy process there have been extensive objections raised during the rounds of public consultation concerning the failure of the Council to objectively assess the broad locations for housing growth against environmental impacts, particularly on the issues of water, green belt, landscape and transport. This requirement was referred to by the Judge in the Forest Heath case, where it was concluded that assessments should not have just been completed individually but also be done by geographical aggregation.

There is no actual evidence that the Council has undertaken an overall comprehensive and detailed (in planning terms) comparative assessment of the impact of the Broad Housing Locations as a whole or in discreet groups of geographical locations. Indeed, paragraph 4.23 of the Core Strategy states that the Council will prioritise the redevelopment of brownfield sites to minimise Green Belt release. There is no evidence that this has been fulfilled when the new employment sites will be relocated onto Green Belt land. In addition, many of the chosen locations will result in the loss of the highest classifications of agricultural land which the SA has given little weight to. Significant development on high quality agricultural land is avoidable; there are reasonable alternative sites in the District in higher order settlements that have been overlooked.

4. *Location 11 - South/South East Rayleigh:* This location is assessed against 10 SA Objectives. For balanced communities, it states that it is not clear whether there is sufficient land available at this location to accommodate the proposed allocation for Rayleigh, given the constraints of coalescence with settlements to the south. The location is therefore given a neutral score. The Council's SHLAA 'Call for Sites' exercise confirmed the availability of housing sites in this general location, and
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provided an indicative capacity of each alternative option which should have informed the choice of sites. It is not clear from the appraisal for Location 11 that this has been carried out to support the preferred broad location at land north of London Road, Rayleigh.

Lime House Nursery & Industrial Park, including the Garden Centre which fronts Eastwood Road forms part of Location 11, and is recognised as being accessible to recreation areas and public open space, the Brook Road Industrial Estate and the Town Centre. The Appraisal also states that no significant effects are identified in relation to biodiversity and land and soil objectives from alternative sites within this location. However, it considers that development in this location will give rise to increases in air and noise pollution, and may have a negative effect on the Rayleigh Conservation Area. This issue is difficult to assess 'objectively' in the absence of any quantitative impact assessment, and rests on the Council's judgement which is purely subjective at this stage.

On landscape and townscape matters, all of the locations identified in the SA Addendum are within the South Essex Coastal Towns Landscape Character Area; however, in relation to Location 11 it advises that further development will lead to the coalescence of Rayleigh with settlements to the south in Southend-on-Sea. This issue has been carefully considered in the proposals for the redevelopment of Lime House Nursery and Industrial Park, the majority of which is previously developed land and buildings that have already reduced the openness of the Green Belt in this location. In addition, the Garden Centre which forms part of the site provides a continuous built frontage that extends along the Eastwood Road and beyond adjoining the Southend administrative boundary.

However, to address the Council's concern in relation to the potential of further coalescence, undeveloped land within the Green Belt that forms part of the Lime House site, has been retained within the development proposals, and will be protected from future development. It will form part of a green buffer/strategic gap, and provide a separation function that extends through the site connecting Warwick Road. We would also add that none of the property is within Flood Zone 3 despite the claim in the SA Addendum.

In light of the SA Addendum produced for Location 11, it is difficult to ratify the choice of preferred locations in the Core Strategy, particularly in the absence of any comparative assessment between them and the alternatives available. However, what is clear is that the SA Addendum is not sufficiently robust to support the decisions made to plan the future of the District through the Core Strategy as drafted.

Whilst we have already highlighted to the Council and the Inspector our comments on the distribution of housing growth, and critiqued the availability, deliverability and suitability of Policies H1, H2 and H3 (Proposed Changes), what is clear from this process, is that there are alternative housing options that are better suited to accommodating strategic housing growth, specifically in Rayleigh.

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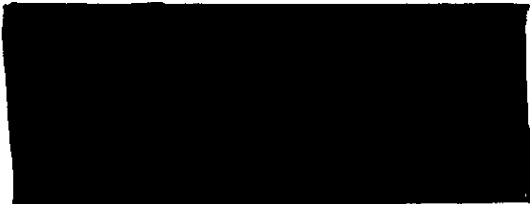
Location 11 which includes Lime House is extremely well related to existing infrastructure and also Southend Airport which has recently announced that Easy Jet will begin operating flights from April 2012. This new partnership will generate significant employment and investment opportunities for the District. It is therefore important that the distribution and location of new housing reflects the new regional role given to the Airport. Location 11 should now be revisited.

*Conclusion:* It can be concluded from this process that it is simply not possible to retrofit the SA Addendum to justify the earlier decisions made by the Council. They have failed to produce an evidence base that is in accordance with policy and is justifiable. Therefore, it is with regret that we maintain that the Core Strategy Submission version with Proposed Changes should be found unsound by the Inspector.

We understand that the consultation responses to this document are due to be reported to Full Council later this month. We would be grateful to be kept advised of progress on this matter.

Thank you.

Yours faithfully

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