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Via e-mail: [planning.policy@rochford.gov.uk](mailto:planning.policy@rochford.gov.uk)

**Planning Policy**  
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11<sup>th</sup> July 2011

Dear Sir

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

[REDACTED]

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.
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 control land at Weir Farm Road, Raleigh – a site that has been promoted as an alternative housing option via the emerging Core Strategy - 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 it 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.


[REDACTED]

We have previously expressed our concern over the distribution of housing growth in the District, and also to the broad locations for housing that have been chosen by the Council. 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 preferred locations, 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 and the alternative locations against the SA Objectives. Throughout the Core Strategy process there has 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, such as land at Weir Farm Road, Rayleigh – Location 9.

4. *Location 9 - South West Rayleigh:* This location has been assessed against 10 SA Objectives. The summary acknowledges that there are a number of positive benefits to development at this location, in particular its proximity to Rayleigh train station and the town centre. There are also landscape benefits, as the site is bound by the existing urban area, the railway line and the A127. However, it is noted that highways concerns have been raised as there is no direct access available to the A127, and traffic would be routed through the town centre and the proposed AQMA. Also, with the scale of development proposed for Rayleigh, this could have negative effects on air quality.
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Land at Weir Farm Road which forms part of Location 9 is extremely well related to the A127 - Rayleigh Weir junction - which provides vehicular access for London bound traffic, and also to Southend on Sea. The site is within an easy walking distance of the Train Station, Town Centre, including local schools, employment areas and other services and facilities. Frequent bus services in both directions stop at High Road, which is also a short walk from the site. It is ideally placed to promote a sustainable pattern of development on the edge of Rayleigh. In addition, the development can be integrated into the landscape, and will have the least impact on the openness of the Green Belt. It will also have a number of wider community benefits.

For car-users there is direct access from this site onto the A129, which is a short distance from the A127 junction, and this avoids any traffic from being routed through the Town Centre contrary to the Highway Authority's observations in the SA Addendum.

The Addendum states that development in this location will give rise to increases in air pollution, and this may have a negative effect on the proposed AQMA. We are not aware that this SA Objective has not been subject to any quantitative impact assessment, and rests purely on the Council's judgement which is subjective at this stage, and therefore little, if any weight can be given to it. Furthermore, there is no comparative analysis of the impact on air quality at the alternative locations with the broad housing locations that have been selected, and therefore, we maintain that this concern is not valid.

In light of the SA Addendum produced for Location 9 and its positive findings, it is difficult to ratify the choice of preferred locations in the Core Strategy Policies H1, H2 and H3 (Proposed Changes), particularly in the absence of any comparative assessment.

*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 national planning policies and is justifiable. Therefore, 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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