



The Planning
Inspectorate

Report to Rochford District Council

by **Laura Graham BSc MA MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

27 October 2011

PLANNING AND COMPULSORY PURCHASE ACT 2004

SECTION 20

REPORT ON THE EXAMINATION INTO THE ROCHFORD DISTRICT CORE STRATEGY DEVELOPMENT PLAN DOCUMENT

Document submitted for examination on 15 January 2010

Examination hearings held between 11 - 21 May, 7 September 2010, and
1, 2 February 2011

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Abbreviations Used in this Report

AA	Appropriate Assessment
AAP	Area Action Plan
AHVS	Affordable Housing Viability Study
BREEAM	Building Research Establishment Environmental Assessment Method
CS	Core Strategy
CSH	Code for Sustainable Homes
DPD	Development Plan Document
EA	Environment Agency
ELS	Employment Land Study
HMA	Housing Market Area
HRA	Habitats Regulation Assessment
IC	Inspector Change
LDF	Local Development Framework
LDS	Local Development Scheme
NE	Natural England
NPPF	National Planning Policy Framework
PPS	Planning Policy Statement
RS	Regional Strategy
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SCS	Sustainable Community Strategy
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
SIR	Single Issue Review
SOCG	Statement of Common Ground
SPD	Supplementary Planning Document

Non-Technical Summary

This report concludes that the Rochford District Core Strategy Development Plan Document provides an appropriate basis for the planning of the Rochford District for almost the next 15 years. The Council has sufficient evidence to support the strategy and can show that it has a reasonable chance of being delivered.

A limited number of changes are needed to meet legal and statutory requirements. These can be summarised as follows:

- A commitment to an early review of the Plan;
- Amendments to policy for gypsy and traveller provision;
- An amendment to provide greater flexibility to consider the implications of affordable housing requirements on the viability of schemes;
- Additional wording in some policies to ensure the Core Strategy is fully compliant with the Habitats Directive; and
- Inclusion of a list of superseded policies.

Almost all the changes recommended in this report are based on proposals put forward by the Council. During the course of the examination, the Council indicated that it would not oppose the limited number of changes recommended. The changes do not alter the thrust of the Council's overall strategy.

Introduction

1. This report contains my assessment of the Rochford Core Strategy Development Plan Document (DPD) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004. It considers whether the DPD is compliant in legal terms and whether it is sound. Planning Policy Statement (PPS) 12 (paragraphs 4.51-4.52) makes clear that to be sound, a DPD should be justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local authority has submitted what it considers to be a sound plan. The basis for my examination is the Core Strategy Submission Document (January 2010) which is the same as the document published for consultation in September 2009.
3. My report deals with the changes that are needed to make the DPD sound and they are identified in bold in the report. Significant changes proposed by the Council are listed in **Schedule A** (see paragraph 8). The changes that I recommend are set out in **Schedule C**. None of these changes materially alter the substance of the plan and its policies, or undermine the sustainability appraisal and participatory processes undertaken.
4. The Council has proposed minor changes which are factual updates, corrections of minor errors or minor amendments in the interests of clarity. These changes, listed in **Schedule B**, do not relate to soundness and are not referred to in this report, but the Council's view that they improve the plan is endorsed. The Council may also make minor changes to page, figure, paragraph numbering and to correct any spelling errors prior to adoption.
5. At an early stage in the examination I expressed severe reservations regarding the soundness of Policy H4 which relates to affordable housing provision, because the evidence base did not include an informed study of the economic viability of its targets for affordable housing. To enable such a study to be undertaken and consulted upon, the examination was suspended following the initial hearings and a further hearing date was arranged for 7 September 2010, when this issue was discussed.
6. The Core Strategy (CS) was prepared taking account of the relevant Regional Spatial Strategy (RS), the East of England Plan. After submission, and following the hearings held in May 2010, the Secretary of State announced the revocation of all RSs with immediate effect on 6 July 2010. The Council indicated that it wished to adjust the housing numbers in the submission CS. A schedule of changes was drawn up and consultation undertaken. During the consultation on the changes, the Secretary of State's decision to revoke the RS was successfully challenged in the High Court, the outcome of which (on 10 November 2010) was to reinstate the RS as part of the development plan. I held hearings on 1 and 2 February 2011 to consider issues arising from the proposed changes, and the reinstatement of the RS.
7. A further challenge was made to the Secretary of State's statement of 10 November 2010, signalling the Government's intention to abolish the RS and the accompanying letter from the Chief Planner, along with the Secretary of

State's original letter of 27 May 2010. The Court of Appeal judgment was published on 27 May 2011. It critically distinguishes between development control and the preparation of development plans. For the latter, and of vital importance in the status of the RS and the Examination of the CS, paragraph 24 of the judgment states that *it would be unlawful for a local planning authority preparing, or a Planning Inspector examining, development plan documents to have regard to the proposal to abolish regional strategies. For so long as the regional strategies continue to exist, any development plan documents must be in general conformity with the relevant regional strategy.* The RS thus remains part of the statutory development plan against which the CS must be tested.

8. In July 2011 the Council requested that the Examination be suspended until December 2011, to take advantage of the expected enactment of the Localism Bill. I declined to suspend the Examination for the reasons set out in my letter to the Council dated 11 August.
9. In the light of these developments, the Council decided to progress the Core Strategy on the basis of the Plan as originally submitted for Examination in January 2010, subject to minor amendments to update the text and to make a commitment to an early review of the Plan. I have therefore disregarded the schedule of changes published in October 2010. The Schedule of Minor Amendments was subject to consultation between 9 September and 7 October 2011, and I have taken account of the representations made in preparing this report. The changes included in the Council's Schedule of Minor Amendments do not materially alter the Strategy. However, I have taken the view that a limited number are significant for my determination of soundness and these are included in **Schedule A** to my report.
10. In June 2011, and following the judgement of the High Court in the case of *Save Historic Newmarket Ltd v Forest Heath District Council*, the Council published a draft Addendum to the Sustainability Appraisal which was subject to consultation between 13 June and 11 July 2011 and I have taken account of representations made in preparing my report.
11. The Council has also given consideration to Government policy in PPS3 – Housing - regarding the changed definition of previously developed land (PDL) and the deletion of national indicative minimum housing density requirements¹. Respondents were also asked for their views on these changes to national policy and I have taken any comments made into account.
12. During the course of the examination the Government issued the consultation draft of the National Planning Policy Framework (NPPF), which contains a number of references to the presumption in favour of sustainable development. Comments on the implications of the draft NPPF for the Rochford Core Strategy were invited between September 9 and October 7 2011. All of the comments received have been taken into account in this

¹ ADDDOC12

report. However, the draft NPPF may be subject to change and I have therefore accorded it limited weight.

13. The references in the footnotes relate to the Core Documents list, which is available on the Council's website.

Assessment of Soundness

Main Issues

14. Taking account of all the representations, written evidence and the discussions that took place at the examination hearings I have identified 9 main issues upon which the soundness of the plan depends.

Issue 1 – Spatial vision

Does the CS present a clear spatial vision for the District? Does the topic based approach hinder the expression of a spatial strategy to an unacceptable extent? Should the topic based visions be drawn together to provide a strategic spatial policy so as to provide a clearer picture of the intended development pattern?

15. The CS contains the main elements required by paragraph 4.1 of PPS12, namely an overall vision, strategic objectives, a delivery strategy and arrangements for monitoring. It is encouraging that the CS has had regard to the Sustainable Community Strategy (SCS), but it is not entirely appropriate that the CS simply replicates the vision of the SCS, rather than focussing on the spatial aspects of delivering that vision. The vision is bland and lacks local distinctiveness, since it is expressed as a very general aspiration that could apply almost anywhere. Having said that, the individual topics (housing, employment etc.) include individual visions which address what is expected to occur during the life of the CS, along with a number of broader topic-specific objectives. Unfortunately, this approach makes it difficult for the reader readily to understand the overall picture. The Council prepared a lengthy and more comprehensive vision, drawing together the individual topics, which now forms change **A3**. In due course, the Council may like to consider whether a shorter, more focussed spatial and locally distinctive vision could be produced when the CS is reviewed. Overall, with the inclusion of change **A3**, the DPD is sound in relation to this issue.

Will it deliver sustainable development in accordance with national and regional policy?

16. The Sustainability Appraisal (SA) finds that: *The majority of policies were found to have significant positive sustainability benefits.*² Subject to those specific items dealt with in this report, including the plan period, the CS would accord with national and regional policy.

² SUBDOC13 paragraph 0.17

Is the approach in the CS consistent with the requirement in paragraph 4.5 of PPS12 that the CS should make clear spatial choices about where development should go in broad terms?

17. The CS includes a key diagram which identifies the broad locations to which new development will be directed. The CS provides an appropriate strategic context within which the Site Allocations DPD can identify specific sites. The CS is sound in relation to this issue.

Does the strategy pay due regard to those of neighbouring authorities?

18. The CS has regard to important cross boundary relationships, for example the future of Southend Airport and strategic road improvements at Rayleigh Weir junction. There is no persuasive evidence to suggest that the CS is unsound in relation to this issue.

Issue 2 – Location and supply of new homes

Will the strategy deliver the number of new homes required to meet the RS requirements?

19. Policies H1, H2 and H3 set out the strategy for meeting the requirements of the RS. Appendix H2 comprises a housing trajectory and a breakdown of the trajectory by source. Some respondents expressed the view that if the CS were implemented in the manner expected by the Council, it would deliver the number of new homes required by the RS. However, doubts were expressed about the deliverability of some sites, including the employment sites which the CS proposes should be redeveloped for housing. The Strategic Housing Land Availability Assessment (SHLAA)³ was produced at a relatively late stage in the plan preparation process, but has been prepared with the involvement of key stakeholders. The SHLAA indicates that the employment sites are deliverable, and the Employment Land Study (ELS)⁴ provides the justification for seeking the redevelopment of these sites.
20. For the reasons given in my consideration of issue 7 below, there are considerable doubts about the ability of the Stambridge Mills site to deliver housing as anticipated in the CS. Notwithstanding these reservations, for the reasons given below (paragraph 26), I consider the CS has sufficient flexibility to mitigate the risk that the employment sites will not come forward for redevelopment as expected. There is a good prospect that the CS will deliver the RS requirements for new homes.

Is the CS consistent with PPS3 in respect of the requirement to address housing delivery for at least 15 years from the date of adoption?

21. Both PPS3 and PPS12 express a requirement that the plan period should be at

³ 58.EB16

⁴ 47.EB5

least 15 years from the date of adoption. The CS addresses housing delivery to 2025. At the time the CS was submitted for examination, there was a reasonable expectation that the document could be adopted in 2010 and hence the 15 year plan period would have been met. However delays in the Examination process mean that the CS will not now be adopted until late 2011 or early 2012 giving rise to a plan period about two years short of that required by national policy.

22. The main cause for delay in the completion of the Examination into the CS has been the uncertainty regarding the status of the RS. This is not a matter within the Council's control, and in all the circumstances, it would be a draconian measure to find the CS unsound because of a relatively small shortfall in the plan period. This conclusion applies to the plan period of the CS as a whole, as well as the issue of housing delivery.
23. Changes to extend the plan period would need to be subject to full consultation and sustainability appraisal, which would give rise to further significant delay in the adoption of the Plan. This would run counter to the Government's encouragement to councils to get local plans in place to drive and support growth. The Changes proposed by the Council include a commitment to an early review of the CS. This will enable the Council to review the CS in the light of the requirements of the Localism Bill once it has been adopted and the final version of the NPPF.
24. In all the circumstances, subject to the inclusion of change **A1**, the Plan can be considered sound in relation to this issue.

Does the CS provide the appropriate context and give adequate guidance for a subsequent Site Allocations DPD readily to identify land that should be released from the Green Belt, without having to revisit strategic considerations?

25. The CS identifies the broad locations where Green Belt release will be considered, and there is a clear recognition that greenfield sites will be required to meet housing requirements from 2011/12 onwards. It is more appropriate for the detailed consideration of sites in those general locations to take place through the preparation of the Site Allocations DPD, which is at a relatively advanced stage. Guidance on factors to be taken into account in allocating sites is given in paragraph 4.19 of the CS. Some representors suggest that this guidance should be in a policy rather than supporting text, but I am not persuaded that this would make any material difference to the weight that should be given to it.

Is there sufficient flexibility?

26. Some representors expressed the view that the phasing of sites, as envisaged by Policies H2 and H3, would inhibit flexibility and some suggested that the two policies should be merged. The text of Policy H1 indicates that the Council will maintain a flexible approach with regards to the timing of land releases to ensure a five year supply of land and this is reiterated as a risk mitigation strategy in the chapter of the plan dealing with monitoring and delivery. Similarly Policy H3 which deals with post 2021 housing development indicates that development in these locations may be brought forward if required to meet RS requirements. The SHLAA demonstrates that there is additional

capacity within the broad locations identified, and the precise quantum and locations for development can be established through the Site Allocations DPD, and revisions to it, during the plan period. To my mind the CS provides an acceptable level of flexibility for the Council to ensure a rolling five year supply of land for housing.

27. The draft NPPF asks councils to identify additional 'deliverable' sites for housing as part of the five year supply. The proposal is for this to be a minimum additional 20% to be added to the five year supply. This is not land over and above the housing target, but rather a frontloading of supply. If this requirement is maintained in the final version of the NPPF, policies H1, H2 and H3 would provide a strategic context which, together with the emerging Site Allocations DPD, would enable the Council to manage the five year land supply to meet this policy requirement.

Are the broad locations identified for the supply of new housing the most appropriate when considered against all reasonable alternatives?

28. During the course of the examination, the Council prepared an audit trail⁵ explaining the choices that had been made regarding the distribution of new housing. I invited written comments on the audit trail and have taken those into account in preparing this report.
29. The Council's audit trail focuses on the process through which the various iterations of the CS were derived, but it does refer to documents, most notably the SA, where different options were evaluated. In the initial stages the options considered were very broad in nature, and as the preparation of the strategy progressed these became more focussed on different broad locations for development. The strategy for accommodating development changed as the process proceeded, with the emerging SHLAA indicating that more dwellings could be accommodated in the existing urban areas than previously thought. The strategy is criticised on the one hand by some residents who do not want further development in their area, and on the other by respondents promoting sites in areas which have not been identified for development. Some representations are tantamount to a request that a specific site should be allocated. Where these sites lie within the broad locations identified the appropriate mechanism for allocating sites would be through the Site Allocations DPD.
30. The outcome of exercises such as the sustainability appraisal will depend to some extent on the weight the decision maker chooses to give to different objectives, but this does not necessarily indicate a flawed process. The submission document SA concludes that: "the actual locations for growth proposed are considered to be the most sustainable options available, within the overall high levels of population growth being proposed in the East of England Plan".

⁵ ADDDOC1 &1A

31. It is alleged that the Council failed to carry out a comparative assessment of alternative broad locations for growth against certain matters such as the relative contribution to the Green Belt. However, the SA is informed by a comprehensive scoping report and I find no reason to conclude that any significant effects have not been taken into account. The SA Addendum (July 2011) provides a more detailed appraisal of the alternative locations considered, and was subject to public consultation. I have taken into account criticisms that the Addendum was produced after the submission draft plan, but sustainability appraisal is an iterative process.
32. Overall, there is no compelling reason to question the integrity of the SA as a whole, and no convincing evidence to dispute the conclusion of the SA that the chosen locations are the most sustainable, and therefore the CS is sound in relation to this issue.

Is there adequate evidence to support the requirements of Policy H5 (Dwelling Types)?

33. The SHMA⁶ identifies that the greatest need for housing within Rochford District is for 3 and 4 bedroom houses. The terms of the Policy are not unduly prescriptive and the CS is sound regarding requirements for the mix of house types.

Is Policy H7 (Gypsy and Traveller Accommodation) consistent with the advice in Circular 01/2006 and the RS. Is there evidence that the criteria are reasonable and that sites will be allocated?

34. Policy H7 includes a commitment to allocate 15 additional pitches by 2011 in accordance with the East of England Plan Single Issue Review (SIR). The Review was published in July 2009 but only specified requirements for individual Districts up to 2011. It does, however, indicate that between 2011 and 2021 provision should be made for an annual 3% compound increase in residential pitch provision. The submission draft CS does not address the period beyond 2011 and on the face of it this does not accord with the SIR. Changes **A2** and **A4** go some way towards remedying this deficiency by setting out the requirement to 2018, taking into account the pitches provided to July 2010 and the 3% increase beyond the 2011 requirement.
35. The requirement for additional pitch provision in Rochford identified in the SIR is amongst the lowest of any of the East of England districts, and the majority of the representations received regarding this policy relate to the indication that pitches will be provided in the west of the District, rather than the overall number to be provided. There is little evidence that the provision of gypsy and traveller sites is a critical issue for this CS. Furthermore, the Government has stated its intention to replace Circular 01/2006 with new light-touch guidance. At the time of writing my report, a draft PPS: *Planning for Traveller Sites* had been published, which it is now intended will be published in its final

⁶ EB17

form as part of the NPPF. As this draft is still subject to consultation I can accord it only very limited weight. In the circumstances, the most appropriate approach is for the Council to reconsider Policy H7 as part of its early review of the Plan, once the NPPF has been published in its final form.

36. The criteria specified in the policy are not unduly onerous, and several potential sites have been included in the Allocations DPD, which is in the course of preparation. Consequently, whilst the RS requirement to deliver 15 pitches by 2011 has not been met, there is evidence of some progress towards meeting this need. Accordingly, subject to the inclusion of changes **A2** and **A4**, the CS can be considered to be in general conformity with the RS on this issue.

Is there adequate evidence of local circumstances that both warrant and allow the introduction of local policies in relation to CSH and BREEAM standards (Policies ENV9 and ENV10), in accordance with the PPS1 Supplement on Climate Change especially paragraphs 31-33?

37. These policies do not seek to anticipate national standards to any significant extent, meeting the zero carbon target is not expected until 2016, which is in line with Government targets. The Essex Thames Gateway Water Cycle Scoping Study found that the Thames Gateway authorities are reliant on water imported into the area, and in this context, the stress in Policy ENV9 on water conservation measures is justifiable. There is little evidence regarding impact on the viability of development, although the Affordable Housing Viability Study (AHVS) concludes that achieving Code Level 4 would be unlikely to prevent land coming forward at the top of the market, although at the bottom the impacts are more significant. Nonetheless, both policies allow for economic viability to be taken into account and there is no material conflict with the PPS1 Supplement on Climate Change. The CS is sound in relation to this issue.

Is there evidence to demonstrate that the requirements of Policy H6 (lifetime homes) will not have an unacceptable impact on the deliverability (viability) of new housing?

38. Supporting the needs of the District's ageing population through enabling them to live independently in their own homes for longer is an objective of the SCS. Promoting the Lifetime Homes Standard is a way in which the CS can contribute to meeting this objective. The AHVS concludes that the additional costs of achieving Lifetime Homes will be around £500 per unit, and will not prove a constraint to viability. The policy allows for exceptions to be made where viability is threatened. This flexibility should ensure that the policy does not have an unacceptable impact on the deliverability of new housing and the CS is sound in this regard.

Issue 3 – Affordable Housing

Is Policy H4 consistent with the requirements of PPS3, notably the requirement at paragraph 29 to reflect an assessment of the likely economic viability of land for housing within the area?

39. There was some criticism of the methodology and underlying assumptions used for the AHVS. The study was prepared by consultants who are known to have expertise in this area, and some representors expressed the view that whilst they disagreed with some of the assumptions used, for example building costs, they did not disagree with the conclusions and recommendations. Overall, the AHVS provides a robust and credible evidence base.
40. The study concludes that the CS affordable housing target of 35% is likely to be generally too ambitious for the District in current circumstances although if the historic relationship between house prices and build costs prevails, then 35% might not be unreasonable. Notwithstanding these conclusions, the Council wishes to retain the policy as contained in the submission CS. To support this stance the Council draws attention to the SHMA recommendation that a consistent approach should be adopted across the Housing Market Area. However, the SHMA also recommends that the local authorities undertake viability studies. The Council also notes that the RS sets a target of 35%, but in accordance with PPS3, any target has to have regard to economic viability considerations.
41. Nonetheless, the study's recommendations imply that 35% may be viable if the housing market improves during the Plan period. The Council also drew attention to the fact that two relatively-recently received planning applications for residential development included proposals for 35% affordable housing. This was confirmed by representors at the hearing. This provides clear evidence that the 35% target can be achieved on some sites, even during the difficult market of recent years. In these circumstances, and bearing in mind the pressing need to achieve as much affordable housing as reasonably possible, I consider the 35% target can be justified, providing there is adequate flexibility to adjust this requirement to take account of viability considerations on a site by site basis. As drafted, the policy provides this flexibility only in 'exceptional circumstances'. The study indicates that in the present housing market, sites which would not be viable with this level of affordable housing provision will not be 'exceptional'.
42. At the hearings, the Council indicated that it would not resist a change to the wording of the Policy which provided greater flexibility. I am therefore recommending a relatively minor adjustment to the wording to allow greater flexibility. **(IC1)**

Issue 4 – Employment and Economic Development

Will the Core Strategy ensure that sufficient land is available to meet the additional jobs required by the RS in the most appropriate locations?

43. The East of England Plan requires Rochford District to make provision for at least 3000 new jobs in the period 2001 to 2021. The RS also identifies London Southend Airport, the location of which straddles the boundary between Rochford District and Southend on Sea Borough Council, as having an

important role to play in the economic development of the area. A Joint Area Action Plan is being produced by the two Councils to guide development in the area, and this is recognised in Policy ED2 of the CS.

44. Rochford's Employment Land Study (ELS) takes account of the potential for employment growth in connection with Southend Airport and concludes that there will be a net demand for employment land elsewhere in the District. The study recommends protecting existing employment sites where these are of a good quality and in appropriate locations (Policy ED3). Poor quality sites are recommended for redevelopment for other uses, mainly housing, and this is supported by the ELS.
45. Policy ED4 includes a commitment to allocate new sites for industrial and office development and broad locations are specified. These broad locations are also supported by evidence in the ELS and there is no overriding reason to prefer alternative locations to those identified in the CS.
46. Some concerns are expressed that the CS contains no mechanism for ensuring that the redevelopment of existing employment sites for alternative uses is coordinated with the provision of new employment land. The Implementation, Delivery and Monitoring Chapter identifies this as a risk, and includes risk mitigation measures, including the possibility of allocating alternative employment land.
47. The Replacement Local Plan (2006) identifies two employment sites as Major Developed Sites in the Green Belt. The relevant Local Plan policies have not been saved, but the Council is not intending to change its approach to development on these sites. However, I do not consider this to be a critical issue that should be addressed in the CS rather than a lower level DPD.
48. I am satisfied that there is a reasonable prospect that the additional jobs required by the RS will be delivered by the CS, and that the Plan is sound in this respect.

Issue 5 - Infrastructure Requirements (including transport)

Does the CS clearly identify critical infrastructure to support the development proposed, and does it articulate what, when and by whom it will be provided?

49. Appendix H1 of the CS itemises new infrastructure and service requirements for each of the broad locations to which housing is being directed. Section 13 of the CS takes the form of a table dealing with the three issues of implementation, delivery and monitoring. This table usefully indicates potential risks to the delivery of the strategy, together with mitigation should the risk materialise.
50. Concerns were expressed that the District's infrastructure, particularly the highway network, cannot cope with the level of development proposed and that insufficient work had been undertaken to support the level of

development proposed. Local residents are naturally sensitive to traffic congestion, and it is evident that parts of the road network are under stress. However, the County Council, as Highway Authority, has been involved in the preparation of the strategy⁷ and is satisfied that any impacts on the highway and transport network can be satisfactorily mitigated. In the light of the technical expertise and local knowledge available to the Highway Authority, their views carry significant weight, and the CS is sound in this respect.

Are critical decisions which should be made in the Core Strategy being delegated to the Transport Supplementary Planning Document (SPD)?

51. The Council has addressed this issue in a paper prepared jointly with the County Council.⁸ In the light of this further information I am satisfied that the CS provides an appropriate strategic context for the preparation of SPD to include measures to reduce dependence on the private car as well as highway improvements that may be required. The CS is sound in this respect.

Is there adequate evidence to demonstrate that the requirements of the proposed standard charges are reasonable and will deliver the infrastructure necessary to support new development?

52. Topic Paper 2 sets out indicative costs for identified infrastructure requirements. The Council expressed the view that this would equate to an additional cost of about £5,000 per new residential unit, and I note that this level of contribution was included in the baseline analysis for the AHVS.

53. The CS was drafted in the context of Circular 05/2005, but the wording of the CS would not prevent the Council from achieving its objectives through the use of the Community Infrastructure Levy, as appropriate. The CS sound in relation to this issue.

Is there adequate justification to depart from the PPS13 requirement that parking standards should be expressed as maxima? (Policy T8)

54. I identified this issue for the examination prior to the Government's revisions to PPS13 in January 2011. The Council has adopted *Parking Standards Design and Good Practice*, produced by Essex County Council in conjunction with a number of Essex Local Authorities, as a Supplementary Planning Document. The general approach is to identify parking standards for journey origins, such as residential areas as minima, and for destinations as maxima. It is intended to provide a consistent approach to parking standards across the County. In the light of the amendments to PPS13, there is no conflict with national policy and the CS is sound in relation to this issue.

⁷ ADDDOC4

⁸ ADDDOC3

Issue 6 - Retailing and Town Centre Uses

Does the Core Strategy establish the strategic context for the preparation of AAPs for Rayleigh, Rochford and Hockley?

55. The Retail and Leisure Study shows that a significant proportion of available spending in the District is lost to centres outside the District. Policies RTC4, RTC5 and RTC6 commit the Council to the preparation of Area Action Plans for Rayleigh, Rochford and Hockley respectively. These policies set out the main objectives that the AAPs should deliver. Some of these objectives are vague, for example an 'enhanced retail offer for Rochford' is included, but there is no indication of the quantum of new retail development that is envisaged. Nonetheless, taken as a whole, these policies provide sufficient clarity about the way in which these town centres should develop to enable the details to be finalised through the AAPs.
56. Some respondents felt it inappropriate to develop policies in the CS in advance of preparing the AAPs. However, the current LDF system identifies the CS as the lead document which should provide the overall strategy, and the CS to be sound in relation to this issue.

Issue 7 - Flood Risk

Is the Core Strategy and supporting evidence consistent with the requirements of PPS25, particularly with regard to proposed development at Stambridge Mills?

57. Much of Rochford District lies within Flood Zone 1, which is defined in PPS25 as land least at risk of flooding. The Environment Agency's concerns relate to the proposed redevelopment of Stambridge Mills for housing. I note the strength of feeling from some residents that development is being proposed where it may exacerbate flooding in vulnerable areas, but there is no technical evidence to support these views. Impact on flooding is a matter that may need to be considered as individual planning applications come forward, but there is no evidence that satisfactory mitigation measures cannot be achieved (with the exception of Stambridge Mills).
58. Stambridge Mills is a former industrial site, which lies within Flood Zone 3a, land at high risk of flooding, as defined in PPS25. Substantial areas of the District are subject to environmental constraints, including European designations such as Ramsar sites, Special Protection Areas and Special Areas of Conservation. The Council has undertaken a Sequential Test⁹ which concludes that there are no reasonably available alternative sites in areas less at risk of flooding, that have not already been accounted for within the SHLAA, with the exception of land within the Green Belt. The EA does not accept that protecting Green Belt land should be given preference over avoiding more vulnerable development in areas of floodrisk, particularly as the CS accepts that some development will have to take place in the GB to meet regional housing targets. Nonetheless, PPG2 defines housing as use which is

⁹ ADDDOC2

inappropriate in the Green Belt, and establishes a general presumption against such development. In all the circumstances, I conclude that the Council has adequately demonstrated that the sequential test has been met.

59. PPS25 requires that the Exception Test (paragraph D9) must be applied if the Sequential Test is met. At the time of the hearings, the EA indicated that it had not received sufficient information to demonstrate that the proposed development is capable of passing part c) of the Exception Test. On the basis of the evidence before me, there are severe doubts about the deliverability of this site. However, there is strong support for housing redevelopment by the intended developer of the site, and I was advised that a planning application has been submitted, and that discussions are taking place with the EA to resolve flood risk issues. Bearing in mind that the site has remained a derelict eyesore for a number of years, it would be perverse to change the CS in a way which would render redevelopment less likely, providing the potential implications for housing delivery are taken into account and I deal with this point above (paragraph 22). If it is not possible to implement housing redevelopment, the Council will need to reconsider its approach to this site when the CS is reviewed. In all the circumstances, the CS is consistent with the requirements of PPS25.

Issue 8 Monitoring

Does the CS contain effective mechanisms for monitoring?

60. The implementation, delivery and monitoring chapter of the CS indicates the ways in which each policy will be monitored and includes national and core indicators which should enable the strategy to be adequately monitored and adjusted if necessary. The identification of risk mitigation measures is a commendable inclusion in this section of the CS, which gives confidence regarding the delivery of the strategy. The CS contains effective mechanisms to monitor delivery of the strategy.

Issue 9 Habitats Regulations

Is the Core Strategy in compliance with the requirements of the Habitats Regulations?

61. The Council and Natural England (NE) produced a Statement of Common Ground (SOCG) on matters concerning soundness and legal compliance in relation to the EU Habitats Directive. A particular concern is that the Habitats Regulations Assessment (HRA) was carried out at a relatively late stage in the plan preparation process. However, the Conservation of Habitats and Species Regulations 2010 requires that HRA has occurred before the CS is given effect, and that requirement has been met. The SOCG concludes that the CS can be made sound and legally compliant through the inclusion of minor wording changes to Policies H1, H2, H3, ENV6 and ED4, without the need to revisit a previous stage in the CS process. The changes are promoted by NE and notwithstanding the Council's concern to avoid repeating national policy, the inclusion of the suggested wording would be helpful in so far as it draws attention to the particular problem of water supply in Rochford District. I consider it unnecessary to refer to conflict with the development plan and section 38(6) of the Act, and am satisfied that the changes will have sufficient

force if included in the reasoned justification rather than the Policies. The SOCG records that the Council does not object to the inclusion of the suggested amendments, and on this basis I endorse these changes to ensure full compliance with the Habitats Directive. **(IC2, IC3)**

Legal Requirements

62. My examination of the compliance of the Core Strategy with the legal requirements is summarised in the table below. I conclude that the Core Strategy meets them all.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The Core Strategy is identified within the approved LDS 2009 which sets out an expected adoption date of October 2010. The delay in progress of the Core Strategy is largely as a result of the changing policy context in relation to the status of the RS, a series of events beyond the Council's control. The Core Strategy's content is compliant with the LDS, and I do not consider the inconsistency with relation to timing is sufficient to render the CS unsound.
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in 2007. The Council's Consultation Statement provides information on the way in which consultation was undertaken and how the main issues raised during consultation have been addressed. Some representors expressed the view that, whilst the requirements of the SCI may have been met, this had not resulted in effective consultation. My task, however, is to consider whether the requirements of the SCI have been met. Others are unhappy that the CS has not been amended to meet their concerns, but where the Council has to consider competing views, it is inevitable that some will not prevail. Others appear to be aggrieved because they have not received individual responses to representations. The SCI does not include a requirement for individual responses, but nonetheless the consultation statement provides an initial officer response to each of the responses received. A further Consultation Statement was produced once consultation had been completed on the proposed changes. Consultation has been compliant with the requirements of the SCI.
Sustainability Appraisal (SA)	SA/SEA has been carried out by independent consultants with known expertise in this field. It has been undertaken in accordance with Government Guidance and an addendum has been produced to ensure compliance with recent case law. It is adequate.
Appropriate Assessment (AA)	I consider this matter in more detail under issue 9, and conclude that, with the changes I recommend,

	the legal requirements will be met.
National Policy	The Core Strategy complies with national policy except where indicated and changes are recommended.
Regional Strategy (RS)	The Submission Core Strategy is in general conformity with the RS.
Sustainable Community Strategy (SCS)	Satisfactory regard has been paid to the SCS.
2004 Act and Regulations (as amended)	The Core Strategy complies with the Act and the Regulations, other than the requirement under Regulation 13(5) to include a list of superseded policies and I have recommended the inclusion of such a list (IC4).

Overall Conclusion and Recommendation

63. I conclude that with the changes that I recommend, set out in Schedules A and C, the Rochford District Core Strategy DPD satisfies the requirements of s20(5) of the 2004 Act and meets the criteria for soundness in PPS12. Therefore I recommend that the plan be changed accordingly.

Laura Graham

Inspector

This report is accompanied by:

Schedule A Significant changes proposed by the Council

Schedule B Minor changes proposed by the Council

Schedule C Changes that the Inspector considers are needed to make the plan sound