EXAMINATION OF THE ROCHFORD ALLOCATIONS SUBMISSIONS DOCUMENT

Please reply to the Programme Officer Kerry Freeman
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Mr S Hollingworth
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Dear Mr Hollingworth

MODIFICATIONS TO THE ROCHFORD ALLOCATIONS SUBMISSIONS DOCUMENT

1. As indicated in the final hearing session on 11 September and as confirmed by the subsequent Note[1] I am writing to set out my interim views on the further modifications needed to the Plan in order to make it sound. I shall also comment on the updated Schedule of Changes dated September 2013 which has been provided since the close of the hearings.

2. I have given full consideration to all the representations made about the Plan including the oral contributions at the hearings. The detailed reasons for my conclusions will be given in the final report which will be produced following consultation on the proposed main modifications. Nevertheless, in order to assist in the understanding of the need for modifications in the light of the tests for soundness, I shall provide brief reasons for my interim findings.

3. These may be altered in the light of further evidence through the consultation process and my views are given here without prejudice to the conclusions that will appear in the report. This will also cover other issues that arose during the examination but which are not dealt with in this letter.

Housing land supply

4. The Core Strategy establishes that the District is required to accommodate an approximate average of 250 dwellings per year to 2025. The Plan is intended to sit below it and to support and aid the policies within it. As such, it does not purport to re-visit the vision, strategies, activities and actions enshrined within the Core

[1] EXA167

Strategy. Rather it seeks to take that approach forward and, in particular, to set out where development should be provided.

5. It is suggested that the Council cannot achieve a 5 year housing land supply because the need for housing is greater than that specified in the Core Strategy due to under-delivery in the past. Furthermore, that the delivery of new homes from sites such as West Rochford (Policy SER2) will be slower than anticipated. This is supported by the uncertainty over delivery at the Rawreth Industrial Estate (Policy BFR4) and, to a lesser extent, part of the Star Lane Industrial Estate (Policy BFR1). My view is also that the number of houses planned at Canewdon should be slightly reduced (see paragraphs 15-22 of this letter).

6. On the other hand, the Council is committed to an early review of the Core Strategy which is due to begin in 2014. Furthermore, Policy H3 allows flexibility so that sites due to be delivered after 2021 can be brought forward if required to meet housing targets. To this end, there are no impediments to this occurring at either South East Ashingdon (Policy SER8) or Great Wakering (Policy SER9a and SER9b). In these circumstances and taking account of my views below about the 5% 'cap' there is no need for further housing sites to be put forward in order to achieve soundness in relation to housing land supply.

Settlement Extension Residential Land Allocations

7. Each of the settlement extension policies contains a statement about the maximum number of dwellings to be accommodated subject to the maintenance of a 5 year land supply. This is further restricted by a 5% 'cap' on total numbers. However, there is no evidence that the existence of greenfield allocations necessarily has a 'dampening effect' on brownfield sites from coming forward. Whilst the National Planning Policy Framework encourages the effective use of land by re-using land that is previously developed it also seeks to boost significantly the supply of housing. In this context the use of a prescriptive limit on development is contrary to the objectives of Government policy and unsound.

8. Deleting this provision would allow for more flexibility in the provision of housing and therefore a greater likelihood of maintaining a 5 year land supply. Furthermore, this modification would assist the Council in minimising the amount of land taken out of the Green Belt in line with Core Strategy Policy GB1. Clearly other factors would limit the amount of units that could be accommodated within any site and this would be considered through the normal exercise of development management policies.

9. My view is therefore that the 5% 'cap' should be removed from Policies SER1- SER9 in order to make the Plan sound.

Great Wakering

Policy NEL3

10. This allocation to the south of Site BFR1 would be physically detached from the edge of the settlement and appear wholly incongruous in the flat, open landscape. An isolated nucleus of development would also have a significant adverse impact on the openness and purposes of the Green Belt. Furthermore, it would rely on the creation of a defensible boundary on 3 sides and would create a gap where there is likely to be pressure for further development or 'infilling' in due course.

11. These negative aspects could be overcome by an alternative immediately adjacent to the new boundary of Great Wakering created by Site BFR1. In so doing employment uses would be brought closer to the residential development proposed on the former brickworks and also the Local Wildlife Site. However, there is no evidence that a separation of 140m is essential to protect either residential living conditions or biodiversity interests. Similar relationships exist or would exist between existing and proposed developments in Great Wakering. There is already a belt of woodland to the south of the footpath which could act as a buffer.

12. The Site shown in Figure 22 is therefore not sound as it is not justified compared to the reasonable alternative of a site further north and abutting Site BFR1. As Option E19 this site performed strongly against sustainability objectives according to the Updated Sustainability Appraisal[2]. It is therefore potentially sound whereas other options raised such as land at Tithe Park (Options E23 and E24) and to the west of Site SER9a are not.

13. Paragraph 5.61 of the Plan has been amended (MM53) to include Class B2 uses and Policy ED4 of the Core Strategy indicates that land south of Great Wakering should be capable of accommodating businesses displaced from the Star Lane Industrial Estate. A site of 2.5ha would allow scope for such uses to be located away from future residential properties. However, the Council may wish to consider again the content and implications of this paragraph.

14. My view is therefore that the proposed allocation of Site NEL3 is not sound but that modifying the Plan along the lines of Option E19 would be sound.

Canewdon

Policy SER7

15. The proposed allocation is divided between land to the west and to the east of Church Lane. My comments apply largely to the former.

[2] Evidence Base Document 67.EB18 and SUBDOCS 4 & 5

16. Canewdon is a fairly compact village. The Grade II* listed St Nicholas Church is very much a focal point at the western edge of the settlement. As well as its intrinsic architectural, artistic and historic interest it is a prominent feature visually in views towards Canewdon from various directions and also provides an 'end stop' to the settlement. The few existing buildings to the west are clearly distinct and sporadic.

17. The latest indicative layout for Site SER7 envisages a double row of 2-storey houses along Lark Hill Road at a lower level. This would interrupt the views across the open field towards the church tower that are an important and distinctive component of Canewdon; break the strong and close relationship between the building and its immediate agrarian setting and result in a westerly spread of the village in a manner contrary to its form. The harm to the setting of the heritage asset would not be outweighed by public benefits including the argument that provision of open space would better reveal its significance. As the heritage asset would not be conserved in a manner appropriate to its significance and as the Site would intrude into the Green Belt the allocation would not be consistent with national policy.

18. However, there are no such objections to the eastern side which is already in residential use. The site is being promoted through the Strategic Housing Land Availability Assessment 2012 – SHLAA Review[3]. The Council estimates that 49 dwellings would be viable.

19. Policy H2 of the Core Strategy indicates that 60 dwellings should be provided at South Canewdon between 2015 and 2021 in order to contribute to a 5 year supply of housing land. If the western section of the site were simply deleted there would be a shortfall in numbers against Policy H2. However, it also states that the detailed location and quantum of development will be articulated within the Allocations Development Plan Document.

20. Indeed, there is no longer a hierarchy of plans or a need for the Plan to be in conformity with the Core Strategy. Regulation 8 (4) of the 2012 Regulations nevertheless requires that local plans be "consistent" with the adopted development plan. In this respect, the Core Strategy expects precise numbers to be settled within the Plan and the absolute change would be a modest one. Therefore an approach which simply concentrated development in South Canewdon on the eastern side of Site SER7, having taken account of the detailed evidence regarding a larger site, would be justified.

21. Another option would be to provide 11 units on land to the south (Option SC1). However, this would result in a small group of buildings to the south of Anchor Lane breaking what is currently a

[3] Examination Base Document 65.EB16

very clear edge to the village and requiring the creation of contrived boundaries. This possibility would therefore not be sound.

22. My view is therefore that Site SER7 is not sound as it stands but that modifying the Plan to delete the section to the west of Church Lane would be sound and consistent with the Core Strategy.

Rayleigh

Policy SER1

23. I note the modifications proposed to the Plan as set out in the updated Schedule of Changes (MM20-MM22). These relate to the access to the site (paragraph 3.27); the treatment of the green buffer (paragraph 3.35) and the provision of replacement sports facilities of at least an equivalent standard as the existing ones (paragraph 3.38). However, in order to be effective MM22 should also refer to social events within the clubhouse.

24. The site boundary now proposed in Figure 6 allows a 30m gap between the power lines and the land allocated for development. In my view, this is not sound as it misses an opportunity to create a defensible Green Belt boundary using an existing feature. It also means any new access from London Road would be likely to be on Green Belt land having regard to the land controlled by the site promoter. Although agreed by the Council, providing this to the west of the power lines would be inappropriate development within the Green Belt and contrary to the intentions of the National Planning Policy Framework. Shifting the boundary 30m to the west to follow the overhead lines would potentially enable access to be provided within the development area as well as providing a firm and obvious boundary. The alternative of moving the development boundary to the west of the power lines would lead to the loss of an excessive amount of Green Belt land.

25. Cleary the good practice guidance[4] about the proximity of housing to power lines would still apply but the additional strip could potentially be used for access roads, garaging or planting.

26. My view is therefore that the development boundary shown on Figure 6 is unsound but that amending this so that it follows the power line 30m to the west would be sound and paragraph 3.42 (MM23) and Figure 6 should be adjusted accordingly.

Policy NEL1

27. The allocation of this employment site to the south of London Road carries forward the principles of Policy ED4 of the Core Strategy. However, it is subject to a number of significant constraints. Firstly, existing businesses would be affected and any development

[4] Examination Base Documents 86.EB37, 87.EB38 and 88.EB39

would be limited by the power lines across the eastern half of the site. The example cited at Gravelly Industrial Park, Birmingham[5] does not show buildings below the overhead wires. The land would also be significantly detached from the existing and proposed built-up areas of Rayleigh and would therefore encroach into the Green Belt. Finally, there is no site promoter so that the deliverability of the site is highly questionable. Indeed, the Council accepted that it is an aspirational and long-term allocation to engender interest.

28. However, given the often stated desire to minimise the loss of Green Belt land this rather begs the question as to whether the allocation is required at all? The Plan also allocates 8.8 ha of land to the west of the A1245 (Policy NEL2) for employment purposes. Furthermore, the evidence is that the replacement of the existing businesses at the Rawreth Lane Industrial Estate is far from imminent. There is therefore little imperative from that quarter to make provision for displaced uses. Furthermore, the Council is proposing to allocate over 26ha of land through the London Southend Airport and Environs Joint Area Action Plan which is at an advanced stage prior to submission for examination. Even if Site NEL1 were deleted then the industrial land allocations of 18ha envisaged by Policy ED4 would be achieved.

29. Such a course of action would mean that Site NEL2 became the only employment site in the west of the District. However, the Highway Authority is now satisfied that vehicular access can be devised to a suitable standard and the site is sufficiently large to accommodate a range of uses provided that they are carefully planned, perhaps on a zonal basis. The preference for office development is that this is directed to Rayleigh and Hockley through Area Action Plans but Site NEL2 could serve as a 'backstop' if suitable sites within these town centres cannot be found. Therefore, the Council may wish to consider whether paragraph 5.33, as proposed to be changed, (MM50) should be revised again.

30. In my opinion Policy NEL1 is not deliverable and therefore ineffective and does not comply with national policy. Removing this site from the Plan would, in my view, be sound and the Plan would be consistent with the Core Strategy in that eventuality.

Other Main Modifications

31. In addition to my comments about paragraphs 3.42, 5.33 and 5.61 of the updated Schedule of Changes (MM23, MM50 and MM53) I have some other observations to make. These are generally minor and self-explanatory and so are set out in the attached table. However, the changes proposed to Policies BFR1 and 3 (MM2, MM4, MM5, MM10 and MM12) relating to affordable housing and open space should also be undertaken to Policy BFR4 in the interests of consistency. If Policy NEL1 is deleted then MM48 and MM49 should

[5] Examination Base Document 88.EB39 p21

also be removed. The Additional Modifications listed are a matter for the Council and so I have not re-visited these.

Next steps

32. I am not inviting comments from the Council or anyone else on the interim views expressed in this letter. They are provided for the purpose of identifying the matters where I consider further modifications are required to achieve soundness. However, could the Council let me know as soon as possible if there are any points of fact or clarification that it wishes me to address.

33. I therefore now invite the Council to propose further Main Modifications to the Plan to deal with the matters of soundness referred to in this letter after carrying out any necessary Sustainability Appraisal and Habitats Regulations assessment. As a result of these it may be necessary for other, consequential changes to be made to the Plan that are not covered in this letter. The Council should ensure that the Plan reads coherently as a whole after these have been undertaken.

34. Once the Council has considered its position and produced a consolidated set of Main Modifications in response to this letter it would be prudent for me to see this in order to avoid any obvious procedural or soundness issues.

35. On the conclusion of this process the Main Modifications should be the subject of a period of consultation of at least 6 weeks. In carrying out the further consultation the Council should give consideration to providing information about the nature of the main planned changes and make it clear that comments should solely address the proposed changes and the implications arising from them. I confirm that I will take the responses to that consultation into account in compiling my final report and recommendation.

David Smith

INSPECTOR