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Planning Policy & Partnerships

Mr R Punshon
The Planning Inspectorate
Temple Quay House
2 The Square
BRISTOL
BS1 6PN

Date: 6th March 2013

Dear Mr Punshon

Site Allocation and Policies DPD: Request for Suspension of Examination

I refer to previous correspondence regarding the Site Allocation and Policies Development Plan Document (SAP DPD). As you will be aware we sought, and received, your agreement to defer public consultation on additional Main Modifications to the SAP DPD to allow the opportunity to seek Counsels opinion on recent case law. This case law concerned the approach taken and methodology deployed in relation to Sustainability Appraisal/Strategic Environmental Assessment (SA/SEA) and the assessment of sites.

The Council has now received the advice of Counsel on this matter. Counsel has identified a recent High Court judgement (Cogent Land LLP v Rochford District Council and Bellway Homes Ltd., case no: CO/605/2012, 21st September 2012) where an application to quash parts of the adopted Rochford Core Strategy was made, partly, on the grounds that the SA/SEA process undertaken was inadequate: this challenge was unsuccessful.

In the Cogent Land case, the Rochford Core Strategy examination was suspended, at the request of the District Council, prior to the Inspector publishing her report of the examination, to enable the District Council to complete a review of the SA/SEA of the Core Strategy. The District Council published an Addendum to the SA/SEA and consulted on it with the Inspector taking account of representations made during this consultation in preparing her examination report.

In respect of the SAP DPD, the Council consider that, in line with the approach taken in the Cogent Land case, it would be possible to undertake a review and retesting of the SA/SEA and site selection process with a view to producing an addendum to the SA/SEA of the Submission SAP DPD and other supporting documents.

Subject to your agreement the Council would propose that following completion of the
addendum, public consultation on the addendum, any proposed Main Modifications that may arise from the addendum process and the additional Main Modifications that were discussed during the examination hearing sessions, as outlined by the Council at the last hearing session on the 16th November 2012, would be undertaken.

It will obviously take some little while to complete the addendum process and we believe it would be prudent for the examination of the SAP DPD to be suspended during this time. The Council would formally request, therefore, that the examination of the SAP DPD is suspended.

We look forward to your written confirmation of our request.

Yours sincerely

Karen Sinclair
Planning Policy and Partnerships Service Manager