

**ADDITIONAL WRITTEN STATEMENT BY TERENCE O'ROURKE
ON BEHALF OF LEGAL & GENERAL MATTER 8Jiv
(WESTERN CORRIDOR AND BLACKWATER VALLEY SUB REGION)
OF THE DRAFT SOUTH EAST PLAN EXAMINATION IN PUBLIC**

THIS STATEMENT FOLLOWS THE PUBLICATION OF THE ASSESSOR'S REPORT

8Jiv Combined Thames Basin Heaths SPA

8Jiv1. What are the implications of the Assessor's Report, and taking account of the Appropriate Assessment, on the ability of the two sub regions to achieve the housing provision figures in draft RSS, and on any alternative growth levels and spatial options examined?

The Assessor makes clear recommendations that:

- Housing levels within the area affected by the Thames Basin Heaths SPA should not be increased at this stage above those indicated in the Draft Plan unless it can be demonstrated that any additional housing can be accommodated outside the 5km zone around the SPA
- In order to give sufficient time for Suitable Alternative Natural Greenspaces (SANGs) to be brought forward it may be necessary to phase new housing development so that the larger proportion comes forward in the second half of the plan period (i.e. after 2016)
- Until there is more quantifiable evidence that the provision of SANGS, together with other mitigation measures, will be sufficient to mitigate the impact on the SPA, then he would recommend against allocating more housing within the area
- Once it has been established that that the mitigation and avoidance strategy has been successful in protecting the SPA from significant adverse effects it would be possible to reconsider the housing allocation for the area as part of any subsequent review of the South East Plan.

In short the Assessor recommends the status quo in terms of housing allocation: no increase, decrease or redistribution of the housing (accept potentially at the local level outside of the 5km zone to accommodate additional growth).

We wish to emphasise to the Panel, however, that it will be important for the levels and distribution of the housing allocation for the Western Corridor and Blackwater Valley sub region to be sufficiently flexible not to preclude additional development of suitable sites in proximity to the SPA, subject to satisfactory mitigation measures being secured on a case by case basis.

If a suitable scheme comes forward with a project level appropriate assessment that demonstrates deliverability – particularly where it provides additional strategic greenspace to attract people away from the heaths (helping to reduce existing pressure on the heaths as

well as minimising new pressures) - it should not be held back arbitrarily given the overwhelming economic case for additional housing growth in the Western Corridor and Blackwater Valley.

8Jiv2. What would be involved in a review of levels and distribution from first principles if a resolution cannot be found (Policies WCBV3 and LF11)?

In the light of the Assessor's findings, this will not be necessary.

We again emphasise that it will be important that levels and distribution of the housing allocation for the Western Corridor and Blackwater Valley sub region be sufficiently flexible not to preclude development of additional suitable sites in proximity to the SPA, subject to satisfactory mitigation measures being secured on a case by case basis.

8Jiv3. What would provide an appropriate policy for the protection of the SPA while enabling acceptable development to proceed (Policies WCBV9 and LF11)?

Many of the issues and impacts can only be assessed fully at the local level when specific sites, delivery criteria, and relevant planning conditions and obligations will be considered. Large scale development schemes could come forward with bespoke approaches to SPA impact avoidance and mitigation measures based on a project level appropriate assessment.

The soundness of the RSS development strategy is therefore underpinned by acknowledging the need for local development documents and planning applications to also demonstrate that impacts and mitigation measures have been fully assessed and considered.

Modifications to Policies WCBV9 and LF11 will be needed in order to ensure appropriate safeguards for the SPA / no adverse impacts on integrity occur in implementation. This aspect was not requested for consideration by the Assessor, and we have not yet seen suggested policy modifications from SEERA (responding to the Assessor's findings) upon which to comment.

On a final point of detail we emphasise that there are likely to be circumstances in the future where the 400m 'exclusion' zone will not be relevant once 'cat barrier' schemes on the boundary of proposed strategic development sites have been demonstrated to be effective. Policy should be sufficiently flexible to allow for such circumstances.