

EXAMINATION OF THE HOCKLEY AREA ACTION PLAN

Please reply to the Programme Officer Kerry Freeman
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Mr S Hollingworth
Planning Policy Team leader
Rochford District Council

17 October 2013

Dear Mr Hollingworth

MODIFICATIONS TO THE HOCKLEY AREA ACTION PLAN

1. As indicated in the final hearing session on 18 September and as confirmed by the subsequent Note¹ 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 of October 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.

Policy 6

4. The Eldon Way Opportunity Site is identified for appropriate alternative uses in the Core Strategy and Policy RTC6 refers to an enhanced retail offer for Hockley.
5. However, having regard to the evidence presented, including the Retail and Leisure Study of 2008 and the matters referred to in your letter of 20 September 2013², I am not satisfied that there is

¹ EXH131

² EXH132

justification for a food store of up to 3,000 sq m (gross). That said, I recognise that there may be demand for a store of that size or larger and that the Council wishes to place an upper limit on any expansion. It also wishes to address 'leakage' of expenditure from Hockley although there is no assessment of the extent to which this could be achieved or the consequential impact on other centres including existing units in Hockley itself.

6. As a result, Policy 6 is not sound and should be revised taking account of the following principles:
 - Setting a maximum overall additional retail capacity of 3,000 sq m (gross);
 - Removing reference to food (although this would not preclude an individual proposal from coming forward);
 - Giving priority to smaller shops or the expansion of existing stores; and
 - If a proposal for a large single store does come forward it would be expected to demonstrate that 'clawback' of expenditure from other centres would be achieved and to assess the implications for them. Any such scheme should also show that a development of this size would not harm the overall vitality of Hockley by, for example, marginalising existing units.
7. My view is therefore that Policy 6 and the supporting text should be revised along these lines in order to make the Plan sound.

Policy 7

8. I appreciate that the Council is now proposing to further modify this policy in the light of the discussion at the hearing. In criterion a. the reference to both a predominance of A1 uses and the Council's target is confusing and therefore ineffective. To achieve soundness a possible wording would be:

"a. Not have a detrimental impact on, or undermine the predominance of A1 uses both within the centre as a whole and within the primary shopping frontage."
9. To accompany this MM20 could be adjusted to read:

"The Council recognises the dynamic nature of centres and the need for flexibility. Nevertheless, it wishes to ensure that the majority of uses both within the centre as a whole and within the primary shopping frontage are in A1 use. Currently 58% of the primary and 44% of the secondary frontages are in retail uses. However, the target for Hockley is to increase this to 75% and 50% respectively."
10. I therefore consider that Policy 7 and the supporting text are unsound and should be altered to take account of the above.

Main modifications

11. I also have some other detailed comments on the main modifications as follows:

MM6	Figure 13 as revised should be included
MM12	Given that Local Plan policies are likely to be superseded in due course by Development Management policies the reference to Policy HP17 should be removed
MM15	Appears to be largely repeated by MM18 although the wording should be combined
MM17	See earlier comments and criterion d. should also be underlined as a change
MM18	See comment re MM15. Should the list be expanded to include other financial services or uses within Class A2?
MM19	There is no evidence to show that hot food takeaways do not, as a matter of course, make a positive contribution to the centre. This sentence is not sound and should be removed.

Next steps

12. 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.
13. 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.
14. 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.
15. 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