

REPORTS FROM THE EXECUTIVE AND COMMITTEES TO COUNCIL

REPORT OF THE PLANNING POLICY SUB-COMMITTEE

1 STATEMENT OF COMMUNITY INVOLVEMENT 2016: ADDENDUM

- 1.1 This item of business was referred by the Planning Policy Sub-Committee on 24 September 2018 to Council with a recommendation relating to draft addendums to the adopted Statement of Community Involvement. An extract of the key elements of the report of the Assistant Director, Planning & Regeneration Services to the Sub-Committee is attached at Appendix 1.
- 1.2 Officers confirmed that, with the introduction of the new GDPR regulations, only those individuals who had originally asked to be included on the Council's planning policy mailing list but had never responded to any planning policy consultations were asked if they wished to be removed from the mailing list. There were still approximately 8000 people on the mailing list.
- 1.3 It was also noted that the consultation costs in respect of the Joint Strategic Plan was still a matter for discussion; it was not known whether the Association of South Essex Local Authorities would contribute to the consultation costs or whether these would be borne solely by the Council. The Issues and Options Document would not be issued until next year for public consultation and there were still meetings to be held relating to the format of public consultation. Grant funding awarded to date related primarily to evidence based documents.

2 RECOMMENDATION

- 2.1 It is proposed that Council **RESOLVES**

That the draft addendums to the adopted Statement of Community Involvement, at appendices A, B and C to the officer report, be consulted on for 4 weeks. (ADP&RS)

3 CONSIDERATION OF PLAN-MAKING PRIORITIES

- 3.1 This item of business was referred by the Planning Policy Sub-Committee on 24 September 2018 to Council with a recommendation relating to the preparation of a separate Issues Paper on Gypsy and Traveller policy ahead of the Preferred Options Document and focusing the Strategic Planning Team's resources on the Joint Strategic Plan and this Issues Paper in the short term. An extract of the key elements of the report of the Assistant Director, Planning & Regeneration Services to the Sub-Committee is attached at Appendix 2.

- 3.2 It was noted that under the previously adopted Local Plan there was a requirement to deliver 15 gypsy/traveller plots and the Michelins Farm site had been identified for all 15 plots. New guidance issued in 2015, however, states that there should be a multi-faceted approach to gypsy/traveller sites, with a range of public and private sites, rather than a single site such as Michelins Farm, as originally proposed by the Authority. It was further emphasised that the Michelins Farm site was proving difficult to deliver.
- 3.3 It was stressed that the County Council was aware of all land allocations within the District, including Michelins Farm, and these were factored in when planning road improvements, including those in respect of the A127/A130.
- 3.4 Officers advised that until such time as a further Local Plan was adopted with sufficient deliverable gypsy/traveller sites allocated within it, there was a risk of further gypsy/traveller sites being granted planning permission on appeal, and these would be in addition to the number of sites identified in the January 2018 assessment of gypsy/traveller accommodation need. The Council's baseline would therefore need to be further updated. In reviewing the Council's existing gypsy and traveller policies, not only would the Council seek to allocate sites based on evidence at a point in time, but would also seek to develop a criteria-based policy to try to capture any sites that would fall outside the Council's identified sites.
- 3.5 It was noted that the unauthorised gypsy/traveller site at Rawreth Lane/A1245 could be assessed with any other unauthorised sites in terms of meeting overall need and could be allocated in future, if deemed appropriate and deliverable; this would in turn mean that the Council would not have to identify sites elsewhere.
- 3.6 Concern was expressed by Members in respect of Strategic Planning resources; Members emphasised that there should be sufficient resources in place to maintain progress with the Local Plan to ensure that the Council did not come under close scrutiny by Central Government, as was currently the case with other neighbouring South Essex authorities.

4 RECOMMENDATION

4.1 It is proposed that Council **RESOLVES**

That option 3, as detailed in paragraph 4.1 of the officer report, be adopted to progress local plan-making in the short to medium term, subject to sufficient resources being made available to facilitate this. (ADP&RS)

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STATEMENT OF COMMUNITY INVOLVEMENT 2016: ADDENDUM

1 PURPOSE OF REPORT

- 1.1 The Council's adopted Statement of Community Involvement (SCI) 2016 needs to be amended to take into account recent legislative changes relating to data protection and neighbourhood planning, as well as to support the preparation of the South Essex Joint Strategic Plan (JSP). Addendums to the adopted SCI are therefore proposed as a reasonable approach to accommodate this.

2 INTRODUCTION

- 2.1 The preparation of an SCI is a legal requirement, as set out under Section 18 of the Planning and Compulsory Purchase Act (2004), as amended. The SCI's role is to outline how local communities, including residents, organisations and businesses, and other interested parties, will be involved in plan-making and the consideration of planning applications.
- 2.2 The Council's current SCI was adopted in July 2016 and, with the exception of recent legislative changes, remains up-to-date and does not need significant revision. The adopted SCI retains its flexibility to utilise appropriate techniques which are proportionate to each consultation stage and available capacity and resources. Each consultation stage is normally accompanied by a more detailed plan which sets out how local communities can expect to be informed and engaged with during the relevant consultation period. There is also, however, a need to ensure that the SCI effectively addresses future consultation and engagement on joint plan-making at the South Essex level, through the preparation of the JSP.
- 2.3 The proposed amendments to the adopted SCI will be subject to a period of public consultation in line with best practice. Once adopted, all future consultations on Neighbourhood Plans and the JSP may then be undertaken in accordance with the amended SCI.

3 PROPOSED AMENDMENTS TO ADOPTED SCI

- 3.1 An SCI is pivotal in supporting the plan-making process to ensure appropriate consultation and engagement at each published stage. Three separate amendments are proposed to the adopted SCI to ensure that it effectively supports plan-making at all scales.

Amendment A - General Data Protection Regulation (GDPR)

- 3.2 The purpose of the SCI is to set out how local communities and other interested parties can expect to be involved in the planning process. This

inevitably includes the collection and processing of personal data such as postal and email addresses.

- 3.3 The GDPR came into force on 25 May 2018 updating the data protection requirements for organisations. This proposed amendment to the adopted SCI 2016 highlights the measures that the Council has in place to address the GDPR requirements with regard to the treatment of personal data.
- 3.4 It is therefore proposed that the data protection addendum at Appendix A:
- Be consulted on for a period of 4 weeks (alongside Appendices B and C); and
 - Once adopted, be inserted at the end of the introduction in the adopted SCI 2016.

Amendment B - South Essex Joint Strategic Plan

- 3.5 The Council is required to actively engage with its neighbours and other prescribed bodies on strategic cross-boundary issues under the Duty to Co-operate, which was introduced by the Localism Act 2011. Building on the Council's history of effective collaborative working with its neighbours across South Essex on policy and evidence preparation, the Council has committed to working positively and proactively to prepare a JSP to cover the whole of South Essex. Outside Rochford District this includes the boroughs of Basildon, Brentwood, Castle Point, Southend and Thurrock, as well as Essex County Council.
- 3.6 The timetable for the preparation of the JSP is contained within the Local Development Scheme (LDS), adopted by the Council on 17 July 2018. The JSP is at the early stages of plan-making, and the first step in supporting its preparation is to set out clearly how the six South Essex authorities will engage with communities and other stakeholders throughout the process. Appendix B sets out the proposed addendum to the adopted SCI on general consultation principles the authorities will apply to any consultation, who, how and when they can expect to be consulted.
- 3.7 It is therefore proposed that the JSP addendum at Appendix B:
- Be consulted on for a period of 4 weeks (alongside Appendices A and C); and
 - Once adopted, be inserted above the 'New Local Plan' section of the adopted SCI 2016.
- 3.8 Following a period of public consultation, all responses from across South Essex on this addendum will be collated and will need to be taken into account.

Amendment C - Neighbourhood Planning

- 3.9 Neighbourhood planning was introduced by the Localism Act 2011 to empower communities to positively prepare for their local areas. To date, the Canewdon and Wallasea Neighbourhood Plan Area is the only area that has been designated in the district. The adopted SCI includes references to Neighbourhood Planning; however, it does not provide any detail to guide communities through the process.
- 3.10 The Neighbourhood Planning Act 2017 was enacted on 27 April 2017 and makes amendments to the Town and Country Planning Act 1990, amongst other Acts. In relation to the SCI, the Act requires the Council to include detail on how we will advise and/or assist relevant bodies through the plan-making process, particularly in relation to a proposal or modification proposal.
- 3.11 Appendix A sets out the proposed addendum wording: outlining what Neighbourhood Planning is and the key stages, how the Council will advise/assist relevant bodies throughout the process, and how the Council will consult the public at each of the key stages. The minimum consultation requirements are set out in the Neighbourhood Planning (General) Regulations 2012.
- 3.12 It is therefore proposed that the Neighbourhood Planning addendum at Appendix C:
- Be consulted on for a period of 4 weeks (alongside Appendices A and B); and
 - Once adopted, replace paragraph 2.20 of the adopted SCI 2016.

4 RISK IMPLICATIONS

- 4.1 The proposed addendums to the adopted SCI at Appendices A, B and C will ensure that this statutory document remains up-to-date in line with the relevant legislation.

5 RESOURCE IMPLICATIONS

- 5.1 The public consultation on proposed amendments to the adopted SCI can be met from existing budget provision.

6 LEGAL IMPLICATIONS

- 6.1 The Council has a statutory requirement set out in Section 18 of the Planning and Compulsory Purchase Act 2004, as amended, to prepare an SCI. This includes for strategic plans, such as the JSP being prepared for South Essex.
- 6.2 The GDPR has implications for all EU Member States. The GDPR and the Data Protection Act 2018 replaced the Data Protection Act 1998 from 25 May

2018. These changes to data protection should be highlighted within the SCI to outline the measures that the Council has in place to address the GDPR requirements.

- 6.3 The Neighbourhood Planning Act 2017 also necessitates an amendment to the adopted SCI to provide an appropriate level of detail on Neighbourhood Planning requirements and expectations.

7 PARISH IMPLICATIONS

- 7.1 None.

8 EQUALITY AND DIVERSITY IMPLICATIONS

- 8.1 An Equality Impact Assessment has been completed and found there to be no impacts (either positive or negative) on protected groups as defined under the Equality Act 2010.

Appendix A: Draft Data Protection Addendum

Note: It is proposed that the below addendum is inserted at the end of the introduction in the adopted SCI 2016

- 1.3. The rules on how personal data is collected, processed and disposed of were updated on 25 May 2018 when the General Data Protection Regulation 2016 (GDPR) and the Data Protection Act 2018 came into force. Rochford District Council has a Data Protection Policy¹ in place, and there are measures being applied to protect personal data in line with the GDPR. The Council stores and processes personal data for planning policy consultations in line with the relevant Privacy Notice².

¹ https://www.rochford.gov.uk/sites/default/files/privacy_dataprotection.pdf

² <https://rochford.jdi-consult.net/localplan>

Appendix B: Draft Joint Strategic Plan Addendum

Note: It is proposed that the below addendum is inserted above the 'New Local Plan' section in the adopted SCI 2016

South Essex Joint Strategic Plan – Who, How and When

- 1.1 The Council is committed to working with its neighbours across South Essex to prepare a Joint Strategic Plan (JSP). The JSP will cover the administrative areas of Basildon, Brentwood, Castle Point, Southend and Thurrock Borough Councils, as well as Rochford District. Its broad purpose is to effectively and proactively address strategic, cross-boundary issues, which is a statutory requirement for each Council under the Duty to Co-operate.
- 1.2 Appendix A to this SCI sets out a common and consistent approach for consultation and involvement on preparing a South Essex Joint Strategic Plan (JSP), and will be incorporated into each of the six South Essex authorities SCIs.

Note: It is proposed that the below addendum is appended to the adopted SCI 2016, as Appendix A

Part II Statement of Community Involvement (SCI)

South Essex Joint Strategic Plan (JSP)

Draft for Consultation

Introduction

- 1.3 This Part II Statement of Community Involvement (SCI) sets out a consistent approach for consultation and involvement on preparing a South Essex Joint Strategic Plan (JSP). This Part II SCI provides an addendum to each of the existing SCI's for the six South Essex authorities working in partnership on the JSP: Basildon Borough, Brentwood Borough, Castle Point Borough, Rochford District, Southend Borough, Thurrock Borough Council.

Important Note

- 1.4 This Part II SCI sets out the consultation approach for the JSP only and not on other planning documents or on planning applications. All six authorities existing Statements of Community Involvement will continue to set out the approach to consultation and involvement for other planning policy documents and planning applications, and these are not affected by this document. Please refer to the individual authority's website for details.



Background

- 1.5 The JSP will be a formal statutory Development Plan Document, providing the strategic planning framework for the six Local Planning Authority areas. Essex County Council will assist with preparing the JSP. The JSP will contain strategic allocations and policies, including an overall spatial strategy and amount of housing, employment and supporting infrastructure to be provided. It will cover the period up to 2038.
- 1.6 Consultation is required at various stages during JSP preparation, including “Publication” stage, after which it will be submitted to Government. An independent Planning Inspector then carries out an Examination into the document, considering the views of interested people. The final decision on the soundness of the Plan will be made by that Inspector, after which the plan will be adopted by the six councils. You can find government guidance on preparing local plans here: www.gov.uk/guidance/local-plans

Consultation General Principles

- 1.7 We will apply some general principles to our JSP consultation.
- Involvement will be open to all regardless of gender, faith, race, ethnicity, disability, sexuality, age and social deprivation.
 - We will undertake consultation as the plan is prepared.
 - We will choose consultation processes by balancing available resources, cost and time constraints, and our level of discretion on the outcome.
 - Consultation publications will be clear and concise and avoid unnecessary jargon, without understating the complexities of any decision.

- Enough time (minimum of 6 weeks) will be given for responses.
- We will inform those who respond to a consultation of later stages in the process, where required.

Who we will Consult

- Statutory organisations including councils, infrastructure providers and government bodies as legally required or otherwise appropriate.
- The general public.
- Groups representing place or interest communities.
- Local business, voluntary and other organisations.
- Planning and development industry and consultants.
- Others who have expressed an interest in the subject matter.

How we will Consult

- We will contact appropriate organisations and individuals directly.
- We will publicise consultations by a combination of methods, as appropriate, such as: website, press release, displays, social media, community groups, community events.
- We will make consultation documents available at council offices and public libraries where appropriate.
- Consultation documents will be made available for download via each Council's website.
- We will consider organising consultation events such as public exhibitions and stakeholder workshops.
- We will publish comments received or a summary as soon as feasible. We will explain how these comments have been taken into account when decisions are made.

When we will Consult

- We will consider the need for targeted engagement with organisations and key stakeholders in developing a preferred option for consultation.
- The first consultation will ask for comments on the Draft South Essex Joint Strategic Plan, which will present the Council's preferred option.
- After considering the initial consultation responses we will formally publish the 'Publication Version' of Plan for representations in accordance with the relevant regulations before submission to Government.

Appendix C: Draft Neighbourhood Planning Addendum


Note: It is proposed that the below addendum replaces paragraph 2.20 of the adopted SCI 2016

Neighbourhood Planning

- 1.1 Neighbourhood planning was introduced by the Localism Act in 2011, and gives local communities new powers to take decisions to help shape and drive the development that takes place in their area. There are three main types of neighbourhood planning available to communities:
- **Neighbourhood Plan** – A neighbourhood plan is a statutory planning document that sets planning policies for a defined neighbourhood area. A neighbourhood plan can allocate land for development, including new homes and employment, as well as setting policies on design and uses. Once adopted, a neighbourhood plan will form part of the Council's local development plan, against which all planning applications and proposals will be determined.
 - **Neighbourhood Development Order** – A neighbourhood development order allows communities to grant planning permission for specific types of development their area.
 - **Community Right to Build Order** – A community right to build order is a form of a neighbourhood development order which allows communities to grant planning permission for local small-scale developments that would be of community benefit.
- 1.2 Whilst the Local Plan usually sets policies that apply to the authority area as a whole, neighbourhood plans typically set policies that will only apply to a smaller 'neighbourhood area'. In practice, these neighbourhood areas often align with parish boundaries.
- 1.3 Neighbourhood planning is community-led, as opposed to being led strictly by the Council as local planning authority. Neighbourhood plans and development orders can only be prepared by a defined 'neighbourhood forum' whilst community right to build orders can be prepared by any community organisation with 10 or more members resident in the area. Whilst a neighbourhood forum will often be a Parish or Town Council, they may also be led by other community groups, and crucially should be open and accessible to all in the local community.
- 1.4 Neighbourhood plans and orders must accord with both the Council's local development plan and national planning policy. They must also acknowledge and take account of International, European and national designations and laws (including historic and environmental designations, and human rights laws). A neighbourhood plan or development order can propose additional development to what is set out in the Council's local development plan, but cannot propose less or seek to block development that has already been approved.

1.5 The procedural requirements governing neighbourhood planning – including consultation and engagement requirements – are set out in the Neighbourhood Planning (General) Regulations 2012, as amended. Where the SCI is silent, or amendments are made to these regulations that make the SCI non-compliant, the regulations will take precedence.

1.6 The main stages in neighbourhood planning are set out below:

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- Step 1: Designating the neighbourhood area and, if appropriate, neighbourhood forum
 - Step 2: Preparing a draft neighbourhood plan or Order
 - Step 3: Pre-submission publicity and consultation
 - Step 4: Submission of a neighbourhood plan or Order proposal to a local planning authority
 - Step 5: Independent Examination
 - Step 6: Community Referendum
 - Step 7: Bringing the neighbourhood plan or Order into force

What role does the Council play in Neighbourhood Planning?

1.7 The Town and Country Planning Act 1990 (as amended) places a statutory responsibility on the Council as local planning authority to assist communities in its area in the preparation of neighbourhood plans and orders. The Council is also expected to assist in the management of the examination and referendum stages of neighbourhood planning, where applicable.

1.8 The principle of neighbourhood planning is that it should primarily be led and shaped by the local community. For this reason, the Council does not directly oversee or manage the neighbourhood planning process. Instead, the Council will support neighbourhood planning in the following ways:

- Providing advice and guidance to relevant bodies, as necessary. This includes aiding in understanding the procedural and regulatory requirements of neighbourhood planning;
- Directing relevant bodies towards information and resources relevant to neighbourhood planning, and any organisations or funding sources which may be able to offer direct or indirect assistance;
- Attending meetings on occasion to provide updates on local, regional and national plan-making, and highlighting the potential implications on neighbourhood planning;

- Making relevant information and evidence available to the relevant body for their consideration, and aiding in its interpretation;
- Reviewing documents and drafts and offering feedback, including on potential issues around accordance with the local development plan and national planning policy;
- Fulfilling the Council's obligations to consult, as set out in the Neighbourhood Planning Regulations 2012, as amended; and
- Making arrangements and managing the examination and referendum processes.

1.9 As of July 2018, only one neighbourhood area and forum have been designated in the District, at Canewdon and Wallasea Island.

Consultation Methods

- 1.10 The primary community engagement supporting the preparation of a neighbourhood plan, neighbourhood development order or community right to build order should be carried out by the relevant neighbourhood forum or community organisation. The Neighbourhood Planning Regulations 2012, as amended, set out the detailed engagement requirements that relevant bodies will be expected to fulfil as they prepare a neighbourhood plan or order. A statement will accompany any draft neighbourhood plan indicating what consultation took place and how it has informed the preparation of the plan.
- 1.11 The Neighbourhood Planning Regulations 2012, as amended, do, however, also define specific consultation requirements that the Council is expected to undertake at key stages.
- 1.12 These key stages, and the consultation that the Council will undertake at these stages, are set out in the table below:

Plan Stage	Engagement Opportunities
Neighbourhood Area designation consultation	<p>The Council is required to hold a public consultation on any area application it receives. The date by which representations must be received will be no less than six weeks from the date the consultation commences.</p> <p>The area application, details on how to make representations, and the date by which representations must be received will all be publicised on the Council's website and in all consultation and engagement material.</p> <p>Consultation and engagement techniques may include public notices/adverts, posters, email and letter notifications, social media and availability of paper documentation in libraries and Council reception areas.</p> <p>As soon as possible after designating a neighbourhood area, the Council will publicise on its website, and any other mediums deemed appropriate, information</p>

Plan Stage	Engagement Opportunities
	<p>including the name of the neighbourhood area, a map which identifies the area, and the name of the relevant body who applied for the designated. Where an application is refused, the Council will instead publicise the reasons for that decision.</p>
<p>Neighbourhood Forum designation consultation</p>	<p>The Council is required to hold a public consultation on any forum application it receives. The date by which representations must be received will be no less than six weeks from the date the consultation commences.</p> <p>The forum application, details on how to make representations, and the date by which representations must be received will all be publicised on the Council's website and in all consultation and engagement material.</p> <p>Consultation and engagement techniques may include public notices/adverts, posters, email and letter notifications, social media and availability of paper documentation in libraries and Council reception areas.</p> <p>As soon as possible after designating a neighbourhood forum, the Council will publicise on its website, and any other mediums deemed appropriate, the name of the neighbourhood forum, a copy of the written constitution of the forum, and the name of a contact and neighbourhood area to whom the forum relates. Where an application is refused, the Council will instead publicise the reasons for that decision.</p>
<p>Neighbourhood Plan or Order proposal or modification proposal</p>	<p>The Council is required to hold a public consultation on any proposed neighbourhood plan or order, or proposed modification to a plan or order that it receives. The date by which representations must be received will be no less than six weeks from the date the consultation commences.</p> <p>Details of the proposal, how to inspect the proposal, details of how to make representations and the date by which those representations must be received will be publicised on the Council's website and in all consultation and engagement material.</p> <p>Consultation and engagement techniques may include public notices/adverts, posters, email and letter notifications, website, social media and availability of paper documentation in libraries and Council reception areas. In the case where an order proposal triggers the requirements of Regulation 33 of the EIA Regulations, the Council will also place details of the proposal on a site notice on or near the land in question, and a notice in a newspaper circulating in the locality.</p> <p>As soon as possible after making a decision under</p>

Plan Stage	Engagement Opportunities
	Regulations 18 or 25 of the Neighbourhood Planning Regulations 2015, the Council will publish its decision statement and the examiner's report, including details of where that statement can be inspected, on its website and by any other mediums deemed appropriate.
Community Referendum	The Council will organise a referendum on any plan that has been considered at examination to meet the basic standards. People living the neighbourhood area who are registered to vote in local elections will be entitled to vote in this referendum. The Council will organise and publicise the referendum as it would for any local election.
Decision to make, or refuse to make, a neighbourhood plan or order	<p>The Council will publicise its decision statement, the made neighbourhood plan or order (if applicable), and details of how to inspect both documents on its website and through any other medium deemed appropriate.</p> <p>This information may be publicised by email and letter notifications, social media and availability of paper documentation in libraries and Council reception areas. The Council will directly contact the relevant body and any other individuals who asked to be notified of the making of the neighbourhood plan or order, as required by the Neighbourhood Planning Regulations 2012, as amended.</p>
Modifications to or revocation of a neighbourhood plan or order	<p>The Council will publish a statement setting out the reasons for modifications or revocations, and details of how to inspect this statement, on its website and through any other medium deemed appropriate.</p> <p>This information may be publicised by email and letter notifications, social media and availability of paper documentation in libraries and Council reception areas. The Council will directly contact the relevant body and any other individuals who asked to be notified of the making of the neighbourhood plan or order, as required by the Neighbourhood Planning Regulations 2012, as amended.</p>

CONSIDERATION OF PLAN-MAKING PRIORITIES

1 PURPOSE OF REPORT

- 1.1 This report considers the implications of the current ambitious plan-making timetable on important issues in relation to meeting the needs of local communities in the short and longer term.

2 INTRODUCTION

- 2.1 A review of the Council's adopted local development plan has begun, most recently through the publication of the new Local Plan: Issues and Options Document. The Council is also committed to supporting the preparation of a Joint Strategic Plan (JSP) to address strategic cross-boundary issues across South Essex in line with National Policy. The JSP will be an important policy document that will sit above the new Local Plan in the Council's future local development plan and will be common to the six local authorities in South Essex. In addition, for Rochford District the JSP will address strategic issues in the boroughs of Basildon, Brentwood, Castle Point, Southend and Thurrock. Essex County Council also supports the JSP as a second-tier authority.

3 PLAN-MAKING

- 3.1 The Local Development Scheme (LDS) 2018, adopted on 17 July 2018, sets out the timetable for the preparation of the new Local Plan and the JSP. The first stage of the new Local Plan, the Issues and Options Document, was published for consultation between December 2017 and March 2018. This will be followed by the first stage of the JSP being published for consultation in spring 2019, with the second stage of the new Local Plan, the Preferred Options Document, following in October /November 2019.

South Essex Joint Strategic Plan

- 3.2 The preparation of a joint plan is supported by national planning policy and guidance, and can be seen as an effective and proactive response to the Council's Duty to Co-operate obligations under the Localism Act 2011.
- 3.3 Such an approach may be resource intensive, particularly given the ambitious timescales that have been identified to prepare such a plan for South Essex. However, this approach will assist all authorities across South Essex in addressing the challenge of delivering homes, jobs and appropriate infrastructure in line with Government ambitions. All policy documents will need to comply with the recently revised National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) published in July 2018.
- 3.4 The Government is taking a tougher stance on authorities who fail to plan positively and proactively to meet the needs of local communities. In South

Essex this includes Basildon, Brentwood and Castle Point Borough Councils, but all local authorities are being monitored and scrutinised by the Government to ensure that plans are being delivered in a timely manner.

Rochford District New Local Plan

- 3.5 The NPPF 2018 supports strategic planning, and thus the preparation of the JSP; however, local-level plans can continue to be prepared to address relevant, more local policy matters that are not covered in a strategic plan. The Council is committed to continuing to prepare a Local Plan to address those issues not covered by the JSP.
- 3.6 Specifically, the NPPF 2018, paragraph 16, identifies the following principles for plans. They should:
- a) be prepared with the objective of contributing to the achievement of sustainable development;
 - b) be prepared positively, in a way that is aspirational but deliverable;
 - c) be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees;
 - d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;
 - e) be accessible through the use of digital tools to assist public involvement and policy presentation; and
 - f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).
- 3.7 The LDS 2018 has revised the date for publication of the Preferred Options Document due to concern around the timing of consultation on the JSP. This has also led to the timescales for publishing the Submission Document being pushed back.
- 3.8 In addition, more recently, the challenges of delivering some of the allocations policies in the 2014 Allocations Plan have come to light through the planning application process. These relate in particular to the employment allocation in Policy NEL1 and the interconnected Gypsy and Traveller site allocation Policy GT1 at Michelins Farm in Rayleigh.

Gypsy and Traveller Policy

- 3.9 National policy on Gypsy and Travellers is contained within Planning Policy for Traveller Sites (PPTS) 2015. The Council's Core Strategy 2011 identified a

need for 15 pitches to be allocated by 2018, as identified in the (now revoked) East of England Plan 2008.

- 3.10 The Allocations Plan 2014 subsequently identified a site to accommodate all of the district's need (Policy GT1), as required within the Core Strategy. This requirement has, however, since been superseded by more localised evidence within the Essex Gypsy and Traveller Accommodation Assessment (GTAA) 2017. The GTAA identified a need for 19 pitches by 2033 (taking account of existing unauthorised pitches, and the demography of the local traveller community) based on a more realistic and localised household formation rate.
- 3.11 The Council has been working with prospective landowners, agents and developers on the delivery of the designated Gypsy and Traveller site, alongside the employment allocation, at Michelins Farm in Rayleigh (Policy GT1) since its allocation in February 2014. As of August 2018 it is understood that the whole of Michelins Farm is in the process of changing landownership. The Council has engaged proactively with the relevant organisation to develop a positive and constructive relationship, and provide appropriate business and planning support. The Council will continue to actively enter into dialogue with this (or successor) organisation to instigate the delivery of the Council's policies (Policy GT1 and NEL1 in particular) in a timely and effective manner.
- 3.12 Despite this local allocation, there have been a number of unauthorised traveller sites developed in the Green Belt, with several acquiring at least temporary permission from a planning inspector through the appeals process. However, the weight given by Inspectors leading to a temporary consent has been in relation to special circumstances (dependent children), with little weight accorded to planning policy. Notwithstanding, there is a recognised need to proactively, and effectively, seek to continue to plan for the traveller community as per government policy and balanced against the parallel assessments of need for permanent dwellings for the settled population.
- 3.13 The JSP, which will address key strategic, cross boundary issues common to all areas in South Essex, will include consideration of the needs of the Gypsy and Traveller community. The JSP is expected to consider the distribution of Gypsy and Traveller sites and future needs across South Essex, and the issue of transit sites to address unauthorised encampments.
- 3.14 The Council's new Local Plan: Issues and Options Document included a review of the current situation with regard to adopted policy, and the options for meeting future need in light of new evidence in the GTAA 2017. In line with PPTS Policy A, the Council sought to proactively engage with the local traveller community early on in the plan-making process through one-to-one meetings to better understand local circumstances and needs. This was to ensure that future policies are proactive, effective and meet the needs of the local community in a fair and robust way.

- 3.15 Since the GTAA 2017 was published in January 2018, however, there have been a further two unauthorised sites in the District where planning applications have been subsequently submitted. Whilst there have been unauthorised encampments on public land across the District in 2018 so far, the matter of transit provision is an Essex-wide (and beyond) consideration, which is likely to be addressed within the JSP.
- 3.16 The table below highlights the quantity of Gypsy and Traveller applications, and their outcomes, in the district between March 2011 and

Reference	Address	Proposal	Decision and Reasons
11/00137/FUL	Rob Rosa, Lower Road, Hullbridge	Change of use to mixed use for stationing of caravan for residential occupation with day room, small shed, kennels, retention of hardstanding, siting of van body for horse shelter and keeping of horses (retrospective)	Refused on 28.04.2011 Allowed on appeal 15.11.2011 Occupied.
Core Strategy adopted 13 December 2011			
11/00741/COU	Land opposite 2 Goldsmith Drive, Rayleigh	Change use of land to form site for Travelling Showpeople	Refused on 05.03.2012 <u>Reasons:</u> Green Belt and inadequate highways access
12/00748/FUL	Pear Tree, 750 New Park Road, Hockley	Application to vary conditions 2, 3 and 6 of appeal decision 09/00173/FUL as follows; Condition 2: The occupation of the site hereby permitted shall be carried on only by NAMES their resident dependants. Condition 3: Notwithstanding the description of	Refused on 06.03.2013 <u>Reasons:</u> Green Belt

Reference	Address	Proposal	Decision and Reasons
		development, no more than five caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than one shall be a static caravan or mobile home) shall be stationed on the site at any time. Condition 6: That condition 6 be removed and permanent permission granted or that the permission be renewed for a further temporary period.	
13/00118/COU	Land opposite 2 Goldsmith Drive, Rayleigh	Change Use of Land to Form Site for Travelling Show People	Refused on 11.06.2013 <u>Reasons:</u> Green Belt and inadequate highways access
13/00392/FUL	Land west Of Pumping Station, Watery Lane, Rawreth	Retention Of One Pitch Gypsy/Traveller Site On A Permanent Or Temporary Basis And Construct Revised Access	Refused on 29.11.2013 <u>Reasons:</u> Green Belt and concerns over impact of waste on watercourses Occupied, breach ongoing.
13/00429/FUL	Pear Tree, 750 New Park Road, Hockley	Change use of land for siting of caravans for residential occupation as Traveller Site comprising one static mobile home and two touring caravans with	Approved on 25.11.2013 Temporary consent expires 31.12.2018 Occupied.

Reference	Address	Proposal	Decision and Reasons
		hard standing and cess pool	
Allocations Plan adopted 25 February 2014			
14/00299/LDC	Urquhart House, Trenders Avenue, Rayleigh	Application for a Certificate of Lawfulness for use of Building as Single Dwelling House	Approved on 23.06.2015 Occupied.
15/00448/FUL	Land south of Woodville, Hullbridge Road, Rayleigh	Mixed use of land for the stationing of caravans for residential purposes and keeping of horses together with the formation of hardstanding and utility/dayroom.	Allowed on appeal on 01.03.2018 Temporary consent 5 years Not yet occupied, currently under construction.
16/00558/COU	Pumping Station, Watery Lane, Rawreth	Use of land for stationing of caravans for purpose of human habitation	Refused on 14.10.2016 <u>Reasons:</u> Green Belt and inadequacy of highways access Allowed on appeal on 02.11.2017 - permanent consent. Occupied.
16/00763/FUL	Little Orchard, Vanderbilt Avenue, Rayleigh	Application to vary conditions 1, 2 & 3 attached to 00/00088/FUL to allow siting of one additional mobile home/static caravan for residential purposes for family member	Approved on 13.12.2017 (on the basis of very special circumstances) Permanent consent. Occupied.
17/01240/FUL	Land opposite 2 Goldsmith Drive,	Use of land as a Traveller Site comprising 2 mobile	Application being determined.

Reference	Address	Proposal	Decision and Reasons
	Rayleigh	homes, day room and touring caravans together with access, hardstanding and cesspit	
18/00318/FUL	Land Adjacent St Theresa, Pudsey Hall Lane, Canewdon	Proposed Gypsy/ Traveller pitch comprising two mobile homes and separate day room building together with the siting of two touring caravans and hardsurfacing	Refused on 09.07.2018 <u>Reasons:</u> Green Belt Occupied, breach ongoing.

- 3.17 With regard to travellers sites in the Green Belt, when it comes to decision-making for a planning application, PPTS Policy E states that traveller sites are inappropriate development in the Green Belt and that personal circumstances (with the exception of the best interests of a child) and unmet need are “unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstance”. On the other hand, it recognises that it is at the discretion of plan-making to alter Green Belt boundaries, in exceptional circumstances, “to meet a specific, identified need”.
- 3.18 Addressing the needs of the travelling community is an increasingly important local issue, in terms of allocating sufficient pitches, which will need to be addressed at the local level. The delivery of the JSP as a plan-making priority, given the ambitious timetable; the programmed delay in the publication of the Preferred Options Document; and the challenges of reconciling new evidence on need with the existing Gypsy and Traveller policies, now necessitates further consideration of this matter.

4 OPTIONS FOR CONSIDERATION

- 4.1 There are three options which have been identified for Members to consider in relation to the matters set out in this Report. These are as follows:

Option 1

Option 1 would involve continuing to prepare the new Local Plan in line with the LDS 2018, addressing all relevant issues together including Gypsy and Traveller need.

This approach would require the Strategic Planning team (current comprising a Team Leader and Senior Strategic Planner) to continue to progress local plan-making against its current project plan, within existing resource constraints. It would involve continuing to commission relevant evidence at the appropriate time to support publication of the Preferred Options Document in October / November 2019.

This option would ensure a comprehensive approach to planning for housing, employment and infrastructure needs across the District. However, the specific risks of such an approach (in addition to those set out in the LDS 2018) relate to evidence and decisions not being prepared / agreed in a timely manner, potentially impacting on the overall delivery of a plan.

Option 2

Option 2 would focus on key strategic policies which are expected to flow from the JSP to deliver a 'Part 1' Local Plan. This approach could address key issues such as housing (including Gypsy and Travellers), jobs and infrastructure. The key strategic policies would be supported by a 'Part 2' focusing on allocations / detailed policies.

Resources would need to prioritise this 'Part 1' Local Plan to set the strategic direction for local policies, alongside the JSP, subject to any existing constraints. As with Option 1, relevant evidence would need to continue to be commissioned at the appropriate time to support its publication. The LDS 2018 would need to be updated as well to ensure that it remains up-to-date and reflects plan preparation priorities.

Focusing on key strategic policies would set the direction for more detailed policies and allocations, similar to the current hierarchy in the adopted local development plan (Core Strategy, Allocations Plan etc.), which could expedite the delivery of local plan-making principles (such as general search locations for homes and jobs). However, such an approach could risk a 'Part 2' plan being delayed, depending on the team's resources. Consultation fatigue, and confusion between different plan-scales, could also be a risk with this approach.

Option 3

Option 3 would involve preparing a separate Issues Paper on Gypsy and Traveller policy ahead of the Preferred Options Document (expected October / November 2018).

A separate Issues Paper could consider in more detail the specific matters to be addressed to effectively meet the needs of the Gypsy and Traveller community. This Paper could further consider the current policy situation and its implementation, and potentially seek to refine the options for future policy to inform the Preferred Options Document. An additional consultation stage

would subsequently incur additional costs, and an update to the LDS 2018 would be required. Potential implications for the preparation of a Community Infrastructure Levy (CIL) would also need to be considered.

Specifically focusing on this issue would enable further detailed and targeted consideration of this matter to inform the next stage of plan-making. The Paper could be consulted on to garner further views from the local community (both settled and traveller) on how policy should approach meeting future needs, if options were further refined. The team's resources would be focused on the JSP and this Paper in the short term to meet relevant timescales, which may potentially have further implications for the publication date of the Preferred Options Document. This is a risk, which would be dependent on available resources as to whether it manifested, as work tasks would need to be carefully prioritised. Consultation fatigue in terms of the local community is also a risk.

Option 4

Option 4 initially involves the preparation of a separate Issues Paper on Gypsy and Traveller policy to form a standalone Gypsy and Traveller policy document.

Building on Option 3, Members may consider whether it would be prudent to prioritise the preparation of a specific policy document, separate from the Local Plan but with the same weighting in the decision-making process, once adopted. It would need to go through the same statutory consultation and examination processes as the Local Plan, and incur associated costs and have a resource implication. An update to the LDS 2018 would be required.

This option would seek to review new evidence and update local Gypsy and Traveller policy as a priority. The team's resources would, therefore, be solely focused on preparing this separate policy document alongside the JSP, and the other matters to be addressed by the Local Plan would need to be paused temporarily. This could have implications for implementation of the JSP, as well as the Government's five year supply test and housing delivery test, as set out in the NPPF 2018. Potential implications for the preparation of a Community Infrastructure Levy (CIL) would also need to be considered.

Consultation fatigue would also be a risk with this option, alongside the potential for some individuals / organisations disengaging from the process, as this would be a single-issue policy document, however, relevant it might be for the local community to engage in.

Duty to Co-operate implications (with neighbouring authorities and other statutory bodies) would also need to be considered, as the Local Plan could be much further behind other individual local development plans. Necessary amendments to the LDS 2018 may also need to be robustly justified to the

Government, which is taking a keener interest (and intervening) where plan-making is subject to significant delays.

5 RISK IMPLICATIONS

- 5.1 The potential risk implications associated with the three options presented are set out above.

6 CRIME AND DISORDER IMPLICATIONS

- 6.1 None.

7 ENVIRONMENTAL IMPLICATIONS

- 7.1 None.

8 RESOURCE IMPLICATIONS

- 8.1 The potential resource implications associated with the three options presented are set out above.

9 LEGAL IMPLICATIONS

- 9.1 Every Local Planning Authority is required to prepare a Statement of Community Involvement (SCI) under Section 18 of the Planning and Compulsory Purchase Act (2004), as amended. Any planning policy consultation (depending on the option taken forward) is required to comply with the Council's SCI.
- 9.2 Every Local Planning Authority is required to prepare, and keep up to date, a Local Development Scheme (LDS) under section 15 of the Planning and Compulsory Purchase Act 2004, as amended. If there are additional consultations or plans being prepared, the Council's LDS will need to be updated to reflect this.
- 9.3 With all the options identified, the Council will need to ensure that it effectively and proactively discharges its Duty to Co-operate responsibilities under the Localism Act 2011.

10 PARISH IMPLICATIONS

- 10.1 None.

11 EQUALITY AND DIVERSITY IMPLICATIONS

- 11.1 The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need:
- To eliminate unlawful discrimination, harassment and victimisation.

- To advance equality of opportunity between people who share a protected characteristic and those who do not.
- To foster good relations between those who share a protected characteristic and those who do not.

11.2 The Equality Impact Assessment (EIA) indicates that the proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic.