

HOCKLEY AREA ACTION PLAN – RECOMMENDED MODIFICATIONS

1 SUMMARY

- 1.1 This report seeks Members' approval of the schedule of modifications to the Hockley Area Action Plan (HAAP) Submission Document (November 2012) for consultation as part of the examination process. The schedule of modifications has been prepared following examination hearing sessions and in response to the Planning Inspector's interim report on the soundness of the HAAP (see appendix 1).
- 1.2 If the schedule of modifications is agreed, it is proposed the consultation period will last for approximately eight weeks (rather than the normal six-week period, to account for the Christmas period) and consultees will be invited to submit representations on the schedule of modifications only. Following this consultation, the representations received will be sent to the Planning Inspector to be considered before he issues his final report into the soundness of the Plan.

2 INTRODUCTION

- 2.1 The HAAP Submission Document sets out proposed site specific policies for a range of land uses, including land for housing, employment, education and open spaces, in accordance with Policy RTC6 of the adopted Rochford Core Strategy. This Plan was submitted to the Secretary of State for examination by an independent Planning Inspector on 18 April 2013 following pre-submission consultation.

3 SCHEDULE OF MODIFICATIONS

- 3.1 Prior to the hearing sessions for the examination, the Inspector posed questions to the Council seeking to clarify matters of uncertainty and suggest potential amendments to the Plan for consideration. In response, the Council has produced a schedule of modifications, which has been updated throughout the examination process as appropriate – the intention being that the schedule, once finalised, would be consulted on before the Inspector's report is received.
- 3.2 The Inspector set out a number of matters and issues that were considered to necessitate further discussion in the hearing sessions held on 17 and 18 September 2013. As a result of the discussions that took place, several amendments to the Plan were proposed by the Inspector. It was agreed at the final hearing session that these modifications would be integrated into the schedule, and then submitted to the Inspector who would prepare an initial assessment of the Plan, and recommend any further modifications to the schedule prior to consultation.

- 3.3 The Inspector's initial assessment into the soundness of the Plan was received by the Council on 18 October 2013 and published on the Council's website. A number of observations were made, which have been addressed through the schedule of modifications.
- 3.4 The schedule of modifications can be divided into main and additional modifications. Main modifications are defined as those that are required to satisfy legal or procedural requirements or to make the plan sound, and additional modifications are those that do not materially affect the policies. The Council is only required to consult on the main modifications agreed by the Inspector, which would make the Plan sound and/or legally compliant.
- 3.5 Proposed main modifications in the schedule include, but are not limited to:-
- Amendments to Policy 6, replacing the criterion that limited a new food store to a maximum of 3,000m² with one that sets a maximum overall additional retail capacity for the centre of 3,000m² (gross);
 - Additional text to Policy 6 to make clear that the Council will favour the development of smaller retail units in the centre; and
 - Additional text to Policy 6 setting out the criteria a larger retail store would need to meet in order to be considered acceptable.
- 3.6 If accepted by Full Council, it is proposed that the schedule of modifications will be consulted on for approximately eight weeks (longer than the usual six-week period in order to take account of the Christmas period and ensure there is sufficient time for interested parties to respond). Those who commented at the pre-submission stage, as well as general and specific consultation bodies, will be invited to comment on the schedule. This is a formal consultation stage, which forms part of the examination process.
- 3.7 Following completion of the consultation, the results will be submitted to the Inspector who will consider them before preparing his final report on the soundness of the Plan. The Inspector's final report is expected to be received in February 2014, although the timing of the receipt of the report is outside of the Council's control.
- 3.8 The schedule of modifications has been subject to sustainability appraisal, which considers the impact of the proposed modifications on social, environmental and economic objectives. The sustainability appraisal found that the changes generally had either no impact or a minor positive impact on sustainability objectives.

4 RISK IMPLICATIONS

- 4.1 The main modifications proposed in the schedule have been recommended by the Inspector to ensure that the Plan is sound and legally compliant. If the modifications are not accepted by the Council and consulted upon, this would likely lead to the Plan being found unsound by the Inspector, and the Council would not be able to adopt it as part of the Development Plan for the District.

- 4.2 Failure to complete the plan-making process for the HAAP would result in there being no plan for Hockley centre, which has the potential to leave the area vulnerable to ad hoc planning applications for development that may not be in the area's best interests, development that may not – either alone or cumulatively – represent sustainable development for Hockley.

5 ENVIRONMENTAL IMPLICATIONS

- 5.1 The schedule of modifications will have an impact on the District's environment – particularly Hockley centre – as outlined above. The schedule of modifications has been subject to sustainability appraisal which, in addition to social and economic impacts, considers the impact of the proposed modifications on environmental objectives, as discussed above.

6 RESOURCE IMPLICATIONS

- 6.1 Preparation, consultation and printing of the consultation material will all have resource implications, but these can be met through existing budgets.

7 LEGAL IMPLICATIONS

- 7.1 The main modifications proposed in the schedule have been recommended by the Inspector to ensure that the Plan is sound and legally compliant. If the modifications are not accepted by the Council and consulted upon, this would likely lead to the Plan being found unsound by the Inspector.

8 RECOMMENDATION

- 8.1 It is proposed that Council **RESOLVES**
- (1) That the schedule of modifications to the HAAP Submission Document (November 2012) be accepted for consultation as part of the examination process, as set out on the report.
 - (2) That, following this consultation, the representations received will be sent to the Planning Inspector to be considered before he finalises his report on the soundness of the HAAP.

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Background Papers:-

HAAP Submission Document (November 2012)

Inspector's Initial Assessment (October 2013)

Proposed Schedule of Changes to the HAAP Submission Document (Updated October 2013)

Sustainability Appraisal of the HAAP Submission Document – Schedule of Modifications (October 2013)

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