

**TITLE PAGE TO FOLLOW**

**Local Development Scheme 2024-26**

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## **1 Introduction**

- 1.1 The Council is required to prepare a Local Development Scheme (LDS) under Section 15 of the Planning and Compulsory Purchase Act 2004. The purpose of the LDS is to set out the programme for the preparation of the Council's planning policy documents. The Council's first LDS was adopted in 2005 and has since been subject to a number of updates. This LDS covers the period 2024 to 2026 and will be reviewed regularly to ensure that there continues to be a realistic and achievable programme for the preparation of the Council's planning policy documents.
- 1.2 Community and stakeholder involvement is a key component of the planning system. Public participation will take place at an early stage in the preparation of the Council's planning policy documents. The LDS is the document which the public can use to find out what the Council is proposing to do and when, and at what stage they can expect to be involved in the planning process.

## **2 Adopted Planning Policy Documents**

- 2.1 The adopted local development plan (as of June 2018) consists of seven development plan documents and a number of supporting supplementary planning documents. These documents were produced under the previous Local Development Framework (LDF) system, which has since been superseded by the reintroduction of single Local Plans through the Localism Act 2011.
- 2.2 These documents were prepared in accordance with the Council's Statement of Community Involvement (SCI), which was adopted January 2007. This has since been superseded by a revised SCI which was adopted in October 2022 to support the preparation of the new Local Plan. The SCI outlines how the Council intends to involve the local community, as well as other stakeholders, in the preparation of its planning policy documents, the consideration of planning applications and enforcement action.

### **Adopted Development Plan Documents**

- 2.3 The Council has produced and adopted seven development plan documents, which together form the statutory local development plan for the district. Development plan documents set out the planning policies which planning applications are assessed against. These documents, detailed below, have been adopted following independent examination by a Planning Inspector:
  - Core Strategy (adopted December 2011) sets out the spatial vision, strategic objectives and core policies up to 2025;
  - Allocations Plan (adopted February 2014) sets out site specific policies and land use allocations over the plan period;
  - Development Management Plan (adopted December 2014) sets out detailed policies for managing development across the District;
  - London Southend Airport and Environs Joint Area Action Plan (adopted December 2014), produced in conjunction with Southend Borough Council, sets out detailed policies for managing growth and change at the airport and in the surrounding area;

- Hockley Area Action Plan (adopted February 2014) sets out detailed policies for managing development in the centre of Hockley;
- Rochford Town Centre Area Action Plan (adopted April 2015) sets out detailed policies for managing development in and around Rochford town centre;
- Rayleigh Centre Area Action Plan (adopted October 2015) sets out detailed policies for managing development in the centre of Rayleigh.

### **Adopted Supplementary Planning Documents**

2.4 Supplementary planning documents are non-statutory documents that give further guidance on the policies and proposals set out in development plan documents. Whilst supplementary planning documents must be in conformity with development plan documents and subject to public consultation, they do not have to go through independent examination.

2.5 The Council has adopted a number of such guidance documents including:

- Educational Contributions (adopted January 2007);
- Housing Design (adopted January 2007);
- Shop Fronts - Security and Design (adopted January 2007);
- Design Guidelines for Conservation Areas (adopted January 2007);
- Design, Landscaping and Access Statements (adopted January 2007);
- Parking Standards Design and Good Practice (adopted December 2010);
- Playing Pitch Strategy (adopted April 2012);
- Local List (adopted December 2013);
- Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (adopted October 2020).

### **Adopted Statement of Community Involvement**

2.6 The level of participation in the preparation of the Council's planning policies has dramatically increased since the first Statement of Community Involvement (SCI) came into effect in 2007. However, there have inevitably been a number of legislative changes on community engagement since its adoption and, taking into consideration the Council's more recent consultation and engagement experience, the Council undertook a review of the 2007 SCI and updated where necessary.

2.7 The revised SCI was consulted on for a nine week period between 16 March and 18 May 2016, and was adopted by the Council on 19 July 2016. This SCI set out how the Council will engage with the local community and other stakeholders throughout the preparation of the new Local Plan and Community Infrastructure Levy (CIL) Charging

Schedule in particular. The preparation of the SCI was in line with the timetable adopted on 23 February 2016.

- 2.8 A review of the 2016 SCI was undertaken in 2021 in light of the legal requirement for a review every 5 years and the recommendation in the Planning Practice Guidance that SCIs should be reviewed in light of Coronavirus restrictions. The SCI was further updated as a result of this review, and subject to public consultation in Summer 2021. Post-consultation, this revised SCI was subsequently adopted by the Council in October 2022 and forms the SCI now in place for the Council.
- 2.9 At this time, there are no plans to review the adopted SCI further until the mandatory five year review period in 2026.

### 3 Development Plan Documents

#### New Local Plan

- 3.1 The Council is committed to an early review of its Core Strategy. This will take the form of a new single Local Plan, which will become the principal development plan document for the district. It will include the Council's strategy for future development across the district; specific proposals and the allocation of specific sites to realise this strategy; and development management policies to support these. In particular it will ensure that policies are in place to meet development needs for residential and employment use throughout the district over the next 20 years.
- 3.2 The new Local Plan will be part of the statutory local development plan and on its adoption it will supersede a number of policies within the current adopted local development plan (as set out at paragraph 2.3). As to which policies will be superseded, this will be dependent on the outcome of the plan-making process in respect of the new Local Plan, and which policies are ultimately included in the final, adopted version.
- 3.3 Community and stakeholder involvement will be a key element in the preparation of the new Local Plan. As with past development plan documents, the new Local Plan will be produced in stages, with opportunities for the public and other interested parties to participate in the decision-making process on a wide range of planning issues. The Council will also continue to engage with specific prescribed bodies, such as neighbouring Local Authorities, as part of the Duty to Co-operate.
- 3.4 Early engagement with local communities – both residents and businesses – took place over Summer and Autumn 2016. This included a programme of parish workshops supplemented by a community survey. Such early engagement enabled local communities to input into the first stage of the new Local Plan; the Issues and Options Document.
- 3.5 Consultation on the Issues and Options Document (and draft Sustainability Appraisal) took place for a 12 week period between 13 December 2017 and 7 March 2018. This Document set out a range of challenges and opportunities that impact on how the District may change and grow over time, alongside options for how specific planning policies could change to reflect changing priorities and needs.

- 3.6 A further consultation on the New Local Plan took place over an eight week period, closing on 22 September 2021. This consultation, called the Spatial Options Consultation, revisited some of the broad principles and policy options set out in the previous Issues and Options document, but specifically expanded upon these with ‘spatial’ options (e.g. options for where and how the long-term need for housing, jobs and infrastructure could be met).
- 3.7 The new Local Plan will also need to be supported by an evidence base covering a range of topics which will be prepared and reviewed throughout the preparation of the Plan. A number of key evidence base documents have already been prepared and others are being prepared now. The preparation of such evidence could have an impact on timescales. It is important therefore that the LDS is kept under review, and that the timescales are ambitious but realistic.
- 3.8 Some supporting documents will be available for comment alongside the new Local Plan, including the Sustainability Appraisal/Strategic Environmental Assessment and Habitats Regulations Assessment. The timetable for the new Local Plan is set out below:

| <b>Stage</b>   | <b>Target Date</b>                 |
|--|------------------------------------|
| <i>Issues and Options Document public consultation</i>                       | <i>December 2017 to March 2018</i> |
| <i>Spatial Options Document public consultation (Regulation 18)</i>          | <i>July to September 2021</i>      |
| Preferred Options Document public consultation (Regulation 18)               | Q3 2024                            |
| Proposed Pre-Submission Document public consultation (Regulation 19)         | Q1 2025                            |
| Submission to Secretary of State for independent examination (Regulation 22) | Q3 2025                            |
| Examination hearings   | Q4 2025                            |
| Main Modifications consultation  | Q1 2026                            |
| Inspector’s Report expected  | Q2 2026                            |
| Adoption by Full Council   | Q2 2026                            |

- 3.9 Where quarters are defined in the table above, these refer to quarters of a calendar year.
- 3.10 The timetable for the preparation of the new Local Plan will be refined further as the document is progressed and will need to take account of any changes at the national policy level as these emerge.

**Community Infrastructure Levy**

- 3.11 At this time, the Council is not actively pursuing the introduction of the Community Infrastructure Levy (CIL). The Council will keep this under review and include a

timetable for the introduction of CIL in a future LDS if a decision to pursue the levy is taken.

## 4 Other Local Development and Non-Statutory Planning Documents

### Supplementary Planning Documents

- 4.1 The Council has adopted a number of Supplementary Planning Documents (SPDs) between 2007 and 2020.
- 4.2 In line with the forthcoming introduction of mandatory Biodiversity Net Gain, the Council intends to prepare, consult and adopt a new Biodiversity Net Gain SPD.
- 4.3 It is noted that in September 2023, the introduction of mandatory Biodiversity Net Gain was delayed by the Government with a new series of phased implementation dates set out between January 2024 and April 2024. Consequently it has been prudent to delay the development of the Biodiversity Net Gain SPD until all national guidance is made available.
- 4.4 A new proposed timetable for the introduction of a Biodiversity Net Gain SPD is set out below, but it is recognised that this timetable will need to remain until continuous monitoring until such time as all relevant regulations and national guidance are available.

| Stage                                    | Target Date |
|--|-------------|
| Preparation of Biodiversity Net Gain SPD | Ongoing     |
| Draft SPD consultation (Regulation 12)   | Q3 2024     |
| Adoption (Regulation 14)                 | Q3/Q4 2024  |

- 4.5 At this time, it is not possible to be precise about the types of new or revised SPDs that may be required to support the New Local Plan but it is understood these may include:
- Design Guidance, Codes or Masterplans
  - Planning Obligations
  - Climate Change
- 4.6 Detailed timescales for the review, preparation, consultation and adoption of any new SPDs will be kept under review and published as part of future LDS.

### Neighbourhood Plans

- 4.7 Neighbourhood Plans are community-led plans for guiding the future development and growth of a local area introduced by the Localism Act (2011). Such plans must be in general conformity with the strategic policies in the local development plan for the area. They are subject to independent examination and referendum, and once adopted will form part of the statutory local development plan for the area.

- 4.8 In areas with defined parishes, such as Rochford District, these plans can be prepared by the Parish or Town Councils in consultation with the local community. As of June 2018, one formal application had been received by the Council for the designation of Neighbourhood Areas. Details are published on the Council's website\*.
- 4.9 It is understood that work to pursue this neighbourhood plan has been paused.

### **Minerals and Waste Local Plans**

- 4.10 Essex County Council is responsible for preparing Minerals and Waste Local Plans, and determining planning applications for minerals and waste uses across Essex (excluding Southend and Thurrock unitary authorities). As of June 2023, the following local development documents had been prepared and adopted by Essex County Council:
- Minerals Local Plan (adopted July 2014)
  - The Essex and Southend Waste Local Plan (adopted July 2017)
- 4.11 These policy documents form part of the statutory local development plan for the district and can be viewed online at [www.essex.gov.uk](http://www.essex.gov.uk).
- 4.12 Timetables for the review and updating of these plans is published in a separate Local Development Scheme, available at [www.essex.gov.uk](http://www.essex.gov.uk).

### **Authority (formerly Annual) Monitoring Report (AMR)**

- 4.13 The Authority (formerly Annual) Monitoring Report (AMR) is a document prepared by the Council which includes information on progress of local development plan preparation. This report is published annually by the Council and published on the Council's website at the end of each monitoring period.

## **5 Monitoring and Review**

- 5.1 The Council's progress in respect of plan production will be monitored through the AMR. Each year the AMR will:
- Show how the Council is performing against the timescales in the LDS for the preparation of development plan documents and supplementary planning documents;
  - Consider the effectiveness of extant policies in advance of the adoption of new planning policy documents;
  - Monitor local development plan policies against a set of government, regional and local indicators; and
  - Provide an up to date list of documents in preparation and adopted, and provide details of future reviews of those documents.
- 5.2 This LDS sets out broad timetables for the preparation of development plan documents. These timetables will be reviewed and refined as the document production progresses.

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\* [www.rochford.gov.uk/planning-and-building/planning-policy/neighbourhood-planning](http://www.rochford.gov.uk/planning-and-building/planning-policy/neighbourhood-planning)

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## 6 Risks and Mitigation

6.1 There are a number of key risks which could impact on the delivery of these planning policy documents by the broad targets that have been identified. The key risks and potential mitigation measures include:

| Risk  | Level of Risk | Effect of risk occurring and RAG rating  | Potential Mitigation  |
|---|---------------|--|---|
| Changes to national policy and/or legislation | Medium/High   | Depending on the nature of the change, it could require significant structural changes to evidence document and the Local Plan with subsequent delays.<br><b>Rating: Amber</b> | Keep up to date with national policy and/or legislative changes<br>Attend and undertake relevant training to ensure officer and member awareness of the impacts of proposed or introduced changes<br>Respond to relevant Government consultations to ensure the District's interests are represented<br>Make amendments to emerging policies and undertake additional consultation as necessary |

| Risk   | Level of Risk | Effect of risk occurring and RAG rating   | Potential Mitigation   |
|--|---------------|---|--|
| Delays to evidence preparation lead to delays to consultation stages                     | Medium / High | Delays to the preparation and/or adoption of the Local Plan.<br><br><b>Rating:</b> Amber  | <p>Incorporate contingencies in Local Plan timetables to account for probable delays</p> <p>Ensure stringent contractual monitoring to avoid unexpected delays</p> <p>Ensure appropriate balance between in-house and consultancy-led evidence production to avoid resource bottlenecking</p> <p>Undertake regular monitoring of interdependencies to understand how early delays may accumulate</p> |
| Lack of capacity/resources to deliver planning policy documents by timescales identified | Medium/ High  | Delays in preparing evidence and Local Plan documents leading to not meeting key milestones in timetable.<br><br><b>Rating:</b> Amber | <p>Undertake regular monitoring of tasks to understand how delays may accumulate</p> <p>Consider options for increasing capacity/resources, including making business cases for additional resource or recruiting temporary staff at key times</p>   |

| Risk   | Level of Risk       | Effect of risk occurring and RAG rating  | Potential Mitigation  |
|--|---------------------|--|---|
| <p>Failure for infrastructure to be delivered by the relevant providers, e.g. Essex County Council, to appropriately support development</p> | <p>Low / Medium</p> | <p>Longer term impacts could be caused to surrounding area which cannot then be mitigated.<br/><b>Rating: Amber</b></p> <p>Further work may be required to secure alternative funding which is then diverted from other infrastructure schemes.<br/><b>Rating: Amber</b></p> | <p>Ongoing engagement and consultation with infrastructure providers at all stages of the plan-making process to ensure objectives are aligned and information is shared</p> <p>Align strategy decisions to a realistic and commercial understanding of infrastructure constraints, funding and opportunities</p> <p>Considering pursuing a Community Infrastructure Levy to increase the supply of developer contributions available to support infrastructure delivery</p> <p>Consider alternative models for delivering infrastructure, including exploring an infrastructure-first approach and applying for funding from third-party sources (e.g. Government)</p> |
| <p>Lack of capacity/resources to support preparation of Neighbourhood Plans</p>  | <p>Medium/ High</p> | <p>The preparation of Neighbourhood Plans (where they're being pursued) is delayed or not meaningfully progressed.<br/><b>Rating: Amber</b></p>  | <p>Consider options for increasing capacity/resources, including recruiting temporary staff</p> <p>Ongoing engagement with Parish or Town Councils throughout the plan-making process to understand likely demand</p> <p>Support Neighbourhood groups to access available third-party support and funding</p>   |

| Risk   | Level of Risk | Effect of risk occurring and RAG rating   | Potential Mitigation   |
|--|---------------|---|--|
| Lack of capacity/resources within external organisations including Planning Inspectorate | Medium        | Delays to the preparation and/or adoption of the Local Plan.<br><b>Rating:</b> Amber    | Early and ongoing engagement with key organisations needed to minimise risk<br>Incorporate contingencies in Local Plan timetables to account for probable delays   |
| Significant public opposition to planning policy document                                | Medium / High | Delays to the preparation and/or adoption of the Local Plan.<br><b>Rating:</b> Amber    | Undertake effective Member and public engagement to build public understanding of challenges and opportunities<br>Provide clear and transparent communication on the reasons for decisions<br>Build a robust evidence base which includes community participation  |
| Legal compliance and soundness tests not met at examination                              | Medium        | Plan could be found unsound and have to be withdrawn or rejected.<br><b>Rating:</b> Red | Ensure the evidence base is robust and undertaken in conformity with national policy, guidance and legislation<br>Undertake effective public engagement led by the Council's adopted SCI<br>Undertake effective and ongoing engagement with specific prescribed bodies as part of the Duty to Co-operate |

| Risk   | Level of Risk | Effect of risk occurring and RAG rating  | Potential Mitigation   |
|--|---------------|--|--|
| Legal challenge to adoption of a planning policy document                                      | Medium / High | <p>If legal challenge is successful could result in part or all of the plan being nullified and having to go back through the examination process.</p> <p><b>Rating: Red</b></p>                             | <p>Prior to each consultation stage, ensure that procedures and regulatory requirements are identified and followed</p> <p>Seek legal advice where required</p>  |
| Budget shortfalls as a result of timetable delays, examination length and / or legal challenge | Medium        | <p>Additional resources would need to be secured to progress the Local Plan.</p> <p><b>Rating: Amber</b></p> <p>Delays to the preparation and/or adoption of the Local Plan.</p> <p><b>Rating: Amber</b></p> | <p>Undertake regular budget monitoring in consultation with the finance team</p> <p>Identify opportunities to secure external funding, e.g. Government, Homes England or Planning Performance Agreements</p> |





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