

ALLOCATIONS DOCUMENT - RECOMMENDED MODIFICATIONS

1 SUMMARY

- 1.1 This report seeks Members' approval of the schedule of modifications to the Allocations Submission Document (April 2013) 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 Allocations Document (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). 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 Allocations Submission Document sets out site specific policies for a range of land uses, including land for housing, employment, education and open spaces, in accordance with the general locations identified in 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 between 3 and 11 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, including to the proposed 5% cap on housing numbers for residential extensions, Policy NEL3, Policy SER7, Policy SER1, Policy NEL1 and Policy BFR4; and recommendations to make the Plan sound and/or legally compliant were suggested by the Inspector. These recommendations have been integrated into 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:-
- Making reference to viability testing for brown field land development (Policy BFR1, 3 and 4);
 - Removing the 5% cap for residential extensions (Policy SER1-9);
 - Aligning the western boundary for proposed development to the north of London Road in Rayleigh with the pylon line (Policy SER1);
 - Amending the requirements for site access and relocation of the sports pitch (Policy SER1);
 - Removing the land to the north of Lark Hill Road and to the west of Church Lane in Canewdon from the proposed residential allocation (Policy SER7);
 - Reducing the housing numbers to be delivered over the plan period for Canewdon to 49 (Policy SER7);
 - Removing proposed employment land to the south of London Road in Rayleigh (Policy NEL1); and
 - Moving the proposed relocated employment site for Great Wakering (Policy NEL3) northwards so that it abuts proposed residential development at the brick works site (Policy BFR1).
- 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 had a limited impact on a number of the sustainability objectives, although where modifications did have an impact, overall it was positive.

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 have an Allocations Document in place leaves the Council at risk of being found not to have an adequate five-year housing land supply in place. This in turn could lead to the Council being vulnerable to planning applications for development on unsuitable sites and/or of an inappropriate form; although importantly it must be noted that the Rochford Core Strategy would still be extant and this directs development to certain general locations, and sets certain general requirements to which development must adhere. However, no specific sites would be allocated for development within such general locations, and no detailed site-specific requirements to ensure development is implemented in a manner considered in the District's best interests would be in place.

5 ENVIRONMENTAL IMPLICATIONS

- 5.1 The schedule of modifications will have an impact on the District's environment, 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 Allocations Submission Document (April 2013) be accepted for consultation as part of the examination process, as set out in 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 Allocations Document.

Shaun Scrutton

Head of Planning and Transportation

Background Papers:-

Allocations Submission Document (April 2013)

Inspector's Initial Assessment (October 2013)

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

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

For further information please contact:-

Samuel Hollingworth (Planning Policy Team Leader)
Phone: 01702 318165
Email: samuel.hollingworth@rochford.gov.uk

Natalie Hayward (Senior Planner)
Phone: 01702 318101
Email: natalie.hayward@rochford.gov.uk

If you would like this report in large print, Braille or another language please contact 01702 318111.