

## **ROCHFORD DISTRICT LOCAL DEVELOPMENT SCHEME 2016**

### **1 PURPOSE OF REPORT**

- 1.1 This reports sets out a new (Draft) Local Development Scheme 2016 (LDS) for Rochford District. The LDS sets out a timetable for the preparation of the Council's main planning documents over a three year period. The documents concerned are:-
1. Timetable for the Local Plan Review;
  2. Community Infrastructure Levy Charging Schedule (CILCS);
  3. Statement of Community Involvement; and
  4. other Local Development documents.

### **2 INTRODUCTION**

- 2.1 The preparation of a LDS is a statutory requirement; the document is a timetable for local planning policy production and enables residents and development partners to keep track of our progress. The last version of the LDS was adopted in 2005.

### **3 BACKGROUND**

- 3.1 There is a statutory requirement for each Local Planning Authority to have a Local Development Scheme (LDS) in place and to keep it up-to-date. Subject to Council approval, the LDS will replace the current one, approved in 2005, which is now out of date.

### **4 KEY CONSIDERATIONS**

- 4.1 The LDS includes an updated timetable for the delivery of the Local Plan, Community Infrastructure Levy Charging Schedule and the Statement of Community Involvement. Each of these points is considered in turn below.
- 4.2 The Council committed to an early review of the Core Strategy; this now takes the form of a single document, the Local Plan. This review was commenced with a Call for Sites in 2015. The new timescales for the review are reflected in the revised Draft LDS. The Local Plan is set to be delivered and adopted by Full Council during 2018/19 (dependent on the Planning Inspectorate).
- 4.3 The Statement of Community Involvement was last reviewed in 2007. Since this date there have been considerable changes and challenges to the consultation processes, including the "duty to cooperate". These changes and expectations are addressed within the new document, which is intended for adoption by the Council in late summer 2016, following a formal consultation process.

4.4 The Community Infrastructure Levy Charging Schedule has been committed to be established within the District and work commenced on this during 2014/15. Acknowledging the changes to development viability and the need to deliver infrastructure across the District commensurate with planned growth, the Charging Schedule is timetabled to be brought forward with an updated evidence base preparation commencing in summer/autumn 2016 with adoption by Full Council in 2019.

4.5 Impact Assessments are not required for the LDS as it does not include strategies or policies. The timetabled documents within the LDS will be subject to an Integrated Impact Assessment (incorporating Habitats Regulations Assessment, Equalities Impact Assessment and Sustainability Appraisal).

## **5 OUTCOMES**

5.1 The LDS is a statutory requirement setting out the timetable for local planning policy production so that residents and development partners are aware of the Council's timetable for bringing forward Local Plan documents.

## **6 SERVICE DELIVERY AND PERFORMANCE ISSUES**

6.1 Agreement on the proposed LDS will ensure that the Council will meet the relevant statutory requirements. It will facilitate service delivery through timetabling Local Plan production.

## **7 CONSULTATION**

7.1 Public consultation on the LDS is not required.

## **8 RISK IMPLICATIONS**

8.1 It is important for the LDS to be updated to ensure progress on the review of the Core Strategy and to ensure the Council's Planning Service can continue to be effectively delivered. The need for a LDS is a statutory requirement for the Council.

## **9 CRIME AND DISORDER IMPLICATIONS**

9.1 The report does not have any direct impact on the tackling of crime and disorder. Whilst the Local Plan documents do not directly cover these issues, planning policy documents set out in the LDS seek to create a safe and secure environment by reducing anti-social behaviour and promoting public safety

**10 ENVIRONMENTAL IMPLICATIONS**

- 10.1 The report does not have any direct impact or implications on the environment. The Local Plan documents will themselves cover these issues, planning policy documents set out in the LDS seek to improve the environmental quality of the District.

**11 RESOURCE IMPLICATIONS**

- 11.1 The approval of the revised LDS provides a framework for how the local planning authority will maintain and update Rochford's Local Plan. The anticipated costs of managing the service are to be met from investments in the existing budget provision for the production of Rochford's Local Plan for completion during 2018/19.
- 11.2 Enabling a robust planning framework facilitates the delivery of growth in the District. The planning system directly contributes income to the Council through Section 106 agreements, CIL (with the intention to bring this forward and New Homes Bonus to enable infrastructure and service delivery District wide.

**12 LEGAL IMPLICATIONS**

- 12.1 Under section 15 of the Planning and Compulsory Purchase Act 2004 (PCPA), as amended, the Council is required to prepare and maintain the Local Development Scheme (LDS). This report correctly sets out the documents that are to be prepared as planning policy documents for the Council.

**13 PARISH IMPLICATIONS**

- 13.1 The purpose of the LDS is provide a timeline for the Local Plan review and this will enable the Parishes to have a clear understanding of the process and relevant timescales.

**14 EQUALITY AND DIVERSITY IMPLICATIONS**

- 14.1 The timetabled documents within the LDS will be subject to an Integrated Impact Assessment (incorporating Habitats Regulation Assessment, Equalities Impact Assessment and Sustainability Appraisal.

**15 RECOMMENDATION**

It is proposed that the Sub-Committee **RECOMMENDS TO COUNCIL**

- (1) That the content of the draft Local Development Scheme 2016, as attached at Appendix 1, be agreed.



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## **1 Introduction**

- 1.1 The Council is required to prepare a Local Development Scheme under Section 15 of the Planning and Compulsory Purchase Act 2004. The purpose of the Local Development Scheme is to set out the programme for the preparation of the Council's planning policy documents. The Council's first Local Development Scheme was adopted in 2005 and has since been subject to a number of updates, the most recent of which was April 2013. This revised Local Development Scheme covers 2016 to 2019, 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 Local Development Scheme is the document which the public can use to find out what the Local Planning Authority is proposing to do and when, and at what stage they can expect to be involved in the planning process.

## **2 Current Local Development Documents**

- 2.1 The current Local Development Plan (as at 11 January 2016) 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, which was adopted January 2007. The Statement of Community Involvement sets out how the Council intends to involve the community, as well as other stakeholders, in the preparation of local development documents, the consideration of planning applications and enforcement action.

### **Adopted Development Plan Documents**

- 2.3 Since the last full review of the Local Development Scheme in April 2013 the Council has produced and adopted six 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).

## **3 Proposed Local Development Documents**

- 3.1 The Council is looking to prepare three local development documents including a revised Statement of Community Involvement, new Local Plan and Community Infrastructure Levy (CIL) Charging Schedule.

**Statement of Community Involvement**

- 3.2 The level of participation in the preparation of the Council's local development documents has dramatically increased since the Statement of Community Involvement came into effect in 2007. However, there have 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, it is appropriate that it be reviewed and updated where necessary.
- 3.3 The Statement of Community Involvement will set out how the Council will engage with the community and other stakeholders throughout the preparation of the new Local Plan and Community Infrastructure Levy (CIL) Charging Schedule in particular. The document itself will be formally consulted upon but it will not be subject to independent examination. The timetable for the review of this document is set out below:

Stage	Target Date
Public consultation	Spring/Summer 2016
Adoption by Council	Summer/Autumn 2016

**New Local Plan**

- 3.4 The Council is committed to an early review of the 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 going beyond 2025 (the current plan period for the adopted Core Strategy).
- 3.5 The new Local Plan will be part of the 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.
- 3.6 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.

- 3.7 The new Local Plan will 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. 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:-

Stage	Target Date
Evidence base preparation	January 2015 onwards
Call for Sites	June 2015 - March 2016
Issues and Options Document public consultation*	Summer/Autumn 2016
Preferred Options Document public consultation*	Spring/Summer 2017
Proposed Pre-Submission Document public consultation*	Winter 2017/Spring 2018
Submission to Secretary of State for independent examination	Spring/Summer 2018
Examination hearings	Summer/Autumn 2018
Inspector's Report expected	Winter 2018
Adoption by Full Council	Spring 2019

- 3.8 The timetable for the preparation of the new Local Plan will be refined further as the document is progressed.

### **Community Infrastructure Levy (CIL) Charging Schedule**

- 3.9 The Council will produce a Community Infrastructure Levy which will detail a schedule of charges to be paid by developers to contribute towards the implementation of infrastructure. The Community Infrastructure Levy will set a charge per square metre of new floorspace which will be levied on new development across the District, where applicable. As with the new Local Plan there is a requirement for consultation and independent examination of the Community Infrastructure Levy.

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\* The Council is no longer required by legislation to prepare three formal documents for public consultation and engagement, however this is still considered to be the most appropriate approach for the preparation of the new Local Plan



- 3.10 The Levy will be inherently linked to the preparation of the new Local Plan and will be supported by a robust evidence base, in particular a Viability Assessment to determine what can be charged; as well as an Infrastructure Funding Gap Assessment to identify the funding gap for the delivery of necessary infrastructure. As such it is anticipated that the preparation of the Community Infrastructure Levy will, for the most part, run alongside the new Local Plan. The timetable for the Community Infrastructure Levy is set out below:-

Stage	Target Date
Evidence base preparation	Summer/Autumn 2016
Preliminary Draft Charging Schedule public consultation	Spring/Summer 2017
Draft Charging Schedule public consultation	Winter 2017/Spring 2018
Submission to Secretary of State for independent examination	Spring/Summer 2018
Examination hearings	Summer/Autumn 2018
Inspector's Report expected	Winter 2018
Adoption by Full Council	Spring 2019

- 3.11 The timetable for the preparation of the Community Infrastructure Levy will be refined further as the document is progressed.

#### **4 Other Local Development Documents**

##### **Supplementary Planning Documents**

- 4.1 The Council has adopted a number of Supplementary Planning Documents to date. Whilst it is not anticipated that any additional guidance documents will need to be prepared at present, the Council's adopted documents will be kept under review as the new Local Plan and Community Infrastructure Levy progress. The Local Development Scheme will be updated as necessary.

##### **Neighbourhood Plans**

- 4.2 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.

- 4.3 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 at 18 January 2016 one formal application had been received by the Council for the designation of Neighbourhood Areas. Details are published on the Council's website.

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

- 4.4 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 at 18 January 2016 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 September 2001)

#### **Authority Monitoring Report**

- 4.5 The Annual Monitoring Report is a document prepared by the Council which includes information on progress of Local Development Plan preparation. This report is published on the Council's website at the earliest opportunity.

### **5 Monitoring and Review**

- 5.1 The Council's progress in respect of plan production will be monitored through the Annual Monitoring Report. Each year the Annual Monitoring Report will:
- show how the Council is performing against the timescales in the Local Development Scheme 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 Local Development Scheme sets out broad timetables for the preparation of the revised Statement of Community Involvement, new Local Plan and Community Infrastructure Levy (CIL) Charging Schedule. These timetables will be reviewed and refined as the document production progresses.

## **6 Risks and Mitigation**

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

<b>Risk</b>	<b>Level of Risk</b>	<b>Potential Mitigation</b>
Changes to national policy and/or legislation	Medium / High	Keep up to date with national policy and/or legislative changes  Make amendments to emerging policies and undertake additional consultation as necessary
Lack of capacity/resources to deliver local development documents by timescales identified	Medium / High	Consider options for increasing capacity/resources, including recruiting temporary staff  Timescales may need to be reviewed
Lack of capacity/resources to support preparation of Neighbourhood Plans	Medium / High	Consider options for increasing capacity/resources, including recruiting temporary staff  Ongoing engagement with Parish or Town Councils throughout the plan-making process
Lack of capacity/resources within external organisations including Planning Inspectorate	Medium	Early and ongoing engagement with key organisations needed to minimise risk  Timescales may need to be reviewed
Legal compliance and soundness tests not met at examination	Medium	Robust, evidence based plan  Effective public engagement  Ongoing engagement with specific prescribed bodies as part of the Duty to Co-operate
Legal challenge to adoption of a local development document	Medium	Impact on resources  Seek legal advice as required