

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
		<p>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.</p> <p>Condition 6: That condition 6 be removed and permanent permission granted or that the permission be renewed for a further temporary period.</p>	
13/00118/COU	Land opposite 2 Goldsmith Drive, Rayleigh	Change Use of Land to Form Site for Travelling Show People	<p>Refused on 11.06.2013</p> <p><u>Reasons:</u> Green Belt and inadequate highways access</p>
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	<p>Refused on 29.11.2013</p> <p><u>Reasons:</u> Green Belt and concerns over impact of waste on watercourses</p> <p>Occupied, breach ongoing.</p>
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	<p>Approved on 25.11.2013</p> <p>Temporary consent expires 31.12.2018</p> <p>Occupied.</p>

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 increasing 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.

12 RECOMMENDATION

12.1 It is proposed that the Sub-Committee **RECOMMENDS TO COUNCIL** how local plan-making should progress in the short to medium term (Options 1 to 4).



Matthew Thomas

Assistant Director, Planning and Regeneration Services

Background Papers:-

None.

For further information please contact Natalie Hayward (Strategic Planning and Economic Regeneration Team Leader) on:-

Phone: 01702 318101

Email: natalie.hayward@rochford.gov.uk

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