

REPORT OF THE ENVIRONMENT OVERVIEW & SCRUTINY COMMITTEE – 12 MAY 2004

1 FUTURE OF THE ROCHFORD DISTRICT LOCAL PLAN

- 1.1 This item of business was referred by the Environment Overview & Scrutiny Committee on 12 May to Council with the recommendation that work on preparation of the Rochford District Replacement Local Plan cease, following completion of the Second Deposit Stage. A copy of the officer's report is appended at Appendix 1.
- 1.2 At the meeting, Members, although mindful of Government advice that the Authority should continue with adoption of the Second Deposit Local Plan, considered nevertheless that, by virtue of the considerable financial resources required for the running of the Local Inquiry for the Second Deposit Local Plan, work should not continue with respect to adoption of the Plan. Members did, however, feel that it should provide a basis for work on the new Local Development Framework.
- 1.3 It is proposed that Council **RESOLVES**
- (1) That work on the preparation of the Rochford District Replacement Local Plan ends following the completion of the Second Deposit stage.
 - (2) That work on the preparation of the Rochford Local Development Framework commences in accordance with the agreed LDS timetable.
 - (3) That a detailed statement on the transition arrangements be prepared and reported to the next meeting of the Environment Overview and Scrutiny Committee. (HPS)

Sarah Fowler

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Background Papers:

None

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Appendix 1**FUTURE OF THE ROCHFORD DISTRICT LOCAL PLAN****1 SUMMARY**

- 1.1 This paper provides an update on the arrangements for completing work on the Rochford District Replacement Local Plan and the preparation of the new Local Development Framework following discussions with the Government Office for the East of England.

2 INTRODUCTION

- 2.1 The Rochford District Replacement Local Plan has reached the Second Deposit stage (subject to printing, the plan will be published in late April or early May) and, given the progress of the Planning and Compulsory Purchase Bill through Parliament, it is now appropriate to consider the way forward to bring together the contents of the emerging Local Plan with the new Local Development Framework.
- 2.2 The options for completing work on the Local Plan were last discussed at the meeting of the Committee on 18 March 2004, when Members resolved to defer making any decision about the future of the Plan, pending the receipt of further information from the Government Office for the Eastern Region.

3 LOCAL PLAN – REMAINING STAGES

- 3.1 The next formal stage in the preparation of the replacement Local Plan would be a Local Inquiry, which would need to be arranged for later in 2004 or early 2005.
- 3.2 Following the Local Inquiry, the Authority would need to consider the contents of the Inspector's report and then complete the remaining formal stages to adoption, probably late in 2005.

4 LOCAL DEVELOPMENT FRAMEWORK

- 4.1 The Planning and Compulsory Purchase Bill is proceeding through Parliament, and it is anticipated that the Bill will be enacted by the end of July 2004. The enactment of the Bill triggers the need for certain actions by local Planning Authorities.
- 4.2 In the first instance, Planning Authorities must prepare and publish a Local Development Scheme (LDS), which is a detailed timetable for the preparation of their new Local Development Framework. The LDS must be in place within six months of the Bill becoming law, that is towards the end of 2004.

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- 4.3 In fact, a draft LDS was considered and approved by this Committee on 11th February 2004. The LDS is important since it sets the scene for the preparation of the various Local Development Documents (LDDs) and Supplementary Planning Documents (SPDs) that make up the Local Development Framework.
- 4.4 The Local Development Framework must be prepared and completed within three years of the Planning Bill becoming law, though the Government Office for the Eastern Region advises that this period can be extended to account for the completion of a Local Plan.

5 DISCUSSION

- 5.1 It will be apparent to Members that the timescale for preparing the new Local Development Framework, notwithstanding the possibility of an extension for the completion of the Local Plan, is very tight indeed. The new Rochford LDF will need to take into account the contents of the Regional Planning Guidance (RPG) for the East of England that has recently been submitted to the Deputy Prime Minister by the East of England Regional Assembly. The plan period for the RPG is 2001-2021. Therefore the end date for the new LDF will also be 2021, and the new plan will need to incorporate the specified requirements for, in particular, housing and employment land.
- 5.2 On the other hand, the Rochford District Replacement Local Plan has an end date of 2011 and clearly takes no account of any longer term housing or employment land requirements in the District. That having been said, the final details of future housing and employment land allocations will not be available until late 2005, given an Inquiry to consider the draft RPG14 towards the end of 2004. Until the final details are available, it would not be prudent to publish any local development document dealing with these issues. On the other hand, the LDF will comprise a suite of documents and work on other development documents could certainly proceed.
- 5.3 If work continues on the preparation of the Local Plan, it is estimated that the period for the preparation of the LDF would be pushed back a year or so to circa mid 2005 to mid 2008. Even so, there will still be a significant overlap between the continuing preparation of the Replacement Local Plan and the work on the LDF.
- 5.4 In addition to a resource issue relating to staff time, it is also the case that a substantial financial resource will be required to continue work on the Replacement Local Plan; the Authority must pay all the costs relating to the running of the Local Inquiry, in particular, and these are likely to be substantial given the range of objections that have been received to the Plan.
- 5.5 Each LDD that is prepared as part of the LDF will also need to be subject to a Local Inquiry (subject to the objections received) and these will need to be carefully programmed through the period of plan preparation. It is also worth

pointing out that the lead-up to an inquiry into the contents of an LDD will involve the preparation of the document, extensive consultation (in accordance with an adopted statement of community involvement) and the preparation of an environmental appraisal.

- 5.6 The Government has provided for transitional arrangements to enable existing Local Plans to continue in operation for a period of time, depending on the stage reached by the time the Bill is enacted. However, given the costs associated with a Local Inquiry, and the resource implications of continuing to prepare a Local Plan alongside the new LDF, Members will need to consider whether there is justification to continue to work on the Local Plan following the assessment of the representations received to the Second deposit or to transfer resources into the early preparation of the new LDF.
- 5.7 Alternatively, if Members decided to call a halt on the preparation of the replacement Local Plan, the representations to the Second Deposit could be fully assessed and a detailed statement prepared setting out the status of the emerging policies and their relationship to the adopted Local Plan and the new LDF. Such a position statement would then send a clear message and provide a robust framework for development control during the period for the preparation of the LDF documents.
- 5.8 The arrangements for the preparation of the Local Plan and the LDF have been discussed in detail with the Government Office for the East of England. As a matter of principle, the Government Office has indicated that Plans should continue through to adoption as quickly as possible, unless there are specific circumstances that warrant abandoning the current review.
- 5.9 The letter further argues that the preparation of the LDF will be linked to the publication of the final version of RPG14 and that, given the timescales, there may be greater merit in pushing ahead with adoption rather than stopping and moving to the new system.
- 5.10 The exact procedure for completing the Local Plan, if Members decided on that route, will depend on whether an Inspector has been appointed prior to enactment of the new Planning Bill. If the Inspector is appointed before enactment the Plan would continue under the current arrangements. If an Inspector was appointed after enactment, then the post-inquiry modifications stage would be lost and the Inspector's report would be binding, as it will be under the new arrangements.

6 RISK IMPLICATIONS

6.1 Strategic Risk

There is an element of risk associated with the transition between the Local Plan and the Local Development Framework. It is essential that a robust and defensible position is maintained in respect of the key development control

policies. On the other hand, whilst developers might see an opportunity to seek approval for ad hoc development proposals, there is absolutely no doubt that any such proposals can be robustly defended.

6.2 Operational Risk

There is a risk associated with seeking to run preparation of the Replacement Local Plan in parallel.

7 RESOURCE IMPLICATIONS

- 7.1 The costs associated with running a Local Plan Inquiry can be substantial, since the Planning Authority must pay all costs, including the costs of 'hiring' the Inspector.
- 7.2 The costs of preparing the Local Development Documents under the new planning system are not yet clear. However, the new system will require a broader range of documents to be prepared including a statement of community involvement and environmental appraisals, and the folder of documents will need to be kept up to date on an annual basis. The performance of the LDF will be assessed through an annual monitoring report. That being the case, there is little doubt that additional resources will be required, both staff and financial, to effectively deliver the new Plans.

8 LEGAL IMPLICATIONS

- 8.1 It will be important to ensure that appropriate arrangements are in place for the transition between the Local Plan and the new Local Development Framework.

9 RECOMMENDATION

- 9.1 It is proposed that the Committee **RECOMMENDS**
- (1) Whether or not to continue work to prepare an adopted Rochford District Replacement Local Plan
 - (2) The revision of the draft LDS on the preparation of the Rochford Local Development Framework to take account of the preparation of the Local Plan, assuming this is to continue.
 - (3) The preparation of a detailed statement on the transition arrangements for the move from the old to the new planning system.

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Background Papers:

Letter from GOEast dated 5th April 2004.

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