
LOCAL DEVELOPMENT SCHEME: 2021-2023

1 PURPOSE OF REPORT

- 1.1 The Council is required to prepare and maintain an up-to-date timetable for the preparation of development plan documents in the form of a document called the Local Development Scheme.
- 1.2 The Local Development Scheme 2021-23 at Appendix A provides an up-to-date timetable for the preparation of such documents in fulfilment of legislative requirements.

2 INTRODUCTION

- 2.1 Section 15 of the Planning and Compulsory Purchase Act 2004, as amended by the Localism Act 2011, requires local authorities to prepare and maintain a timetable for the preparation of development plan documents in the form of a Local Development Scheme.
- 2.2 The Local Development Scheme allows residents, statutory consultees and other interest parties to understand the timetable for the preparation of local development documents.
- 2.3 The Local Development Scheme 2021-223 at Appendix A sets out a timetable for the preparation of future development plan documents, including the new Local Plan, Community Infrastructure Levy (CIL) and the South Essex Plan.
- 2.4 These timetables are considered to be realistic based on progress made to date and available resource. Nevertheless, in light of proposed planning reform, including the recent indication that a new planning act will feature within this parliamentary term, these timetables will continue to be monitored against and updated as appropriate. This monitoring will include ultimate decisions around whether to pursue a Community Infrastructure Levy (CIL).

3 RISK IMPLICATIONS

- 3.1 The Government has indicated that it expects all local planning authorities to have adopted an NPPF-era Local Plan by the end of 2023. Notwithstanding this expectation, the Government has also indicated that it intends to bring forward a new planning act within this parliamentary term which is likely to have fundamental implications for the scope and procedures surrounding Local Plans.
- 3.2 Where local authorities fail to make satisfactory progress in the preparation of a Local Plan, the Government has indicated that it may consider direct intervention in the plan-making process.
- 3.3 The Local Development Scheme 2021-23 is considered to be a realistic timetable for the preparation of a sound Local Plan, which would further fulfil Government expectations surrounding timescales.

- 3.4 As stated above, it will be important that fulfilment of this timetable is actively monitored to ensure that the Council remains on course to fulfil Government expectations. Where opportunities to condense the timetable are identified these may be pursued with a revised Local Development Scheme forthcoming in that event.

4 RESOURCE IMPLICATIONS

- 4.1 The timetables set out in the Local Development Scheme 2021-23 are considered to be realistic and achievable within existing agreed budgets. Human resource requirements will continue to be monitored and projected to ensure that specialist support can be brought in at appropriate stages to avoid slippage.

5 LEGAL IMPLICATIONS

- 5.1 Preparation of a Local Development Scheme is a statutory requirement set out in the Planning and Compulsory Purchase Act 2004. Failure to publish and maintain such a document could be considered a failure to comply with this requirement.
- 5.2 Furthermore, compliance with the Local Development Scheme is taken into account when development plan documents are examined by Government Inspectors. It is therefore important that the Council publishes and maintains these documents to demonstrate that any development plan documents it produces are legally compliant.

6 EQUALITY AND DIVERSITY IMPLICATIONS

- 6.1 An Equality Impact Assessment has been completed and found there to be no impacts (either positive or negative) on protected groups as defined under the Equality Act 2010.

7 RECOMMENDATION

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

That the Local Development Scheme 2021-23, set out at Appendix A, be adopted and published on the Council's website.



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Background Papers:-

None.

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Rochford District Council
Draft Local Development
Scheme 2021-2023
Planning Policy Committee

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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 SCI covers the period 2021-23, 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 July 2016 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).

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. The SCI sets 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 The Council has subsequently prepared three addendums to its adopted SCI, relating to the preparation of the South Essex Joint Strategic Plan (JSP) and neighbourhood planning arrangements.
- 2.9 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.

3 Proposed Planning Policy 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/Autumn 2016. This has included a programme of parish workshops supplemented by a community survey. Such early engagement has enabled local communities to input into the first stage of the new Local Plan; the Issues and Options Document. 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.
- 3.5 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 are being prepared or reviewed including a Strategic Housing and Employment Land Availability Assessment (SHELAA), a Strategic Housing Market Assessment (SHMA) and an Economic Development Needs Assessment (EDNA). Other evidence relating specifically to highways, education and infrastructure in general are also being prepared. The preparation of such evidence, particularly in relation to highways (modelling options and potential mitigation measures), 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.

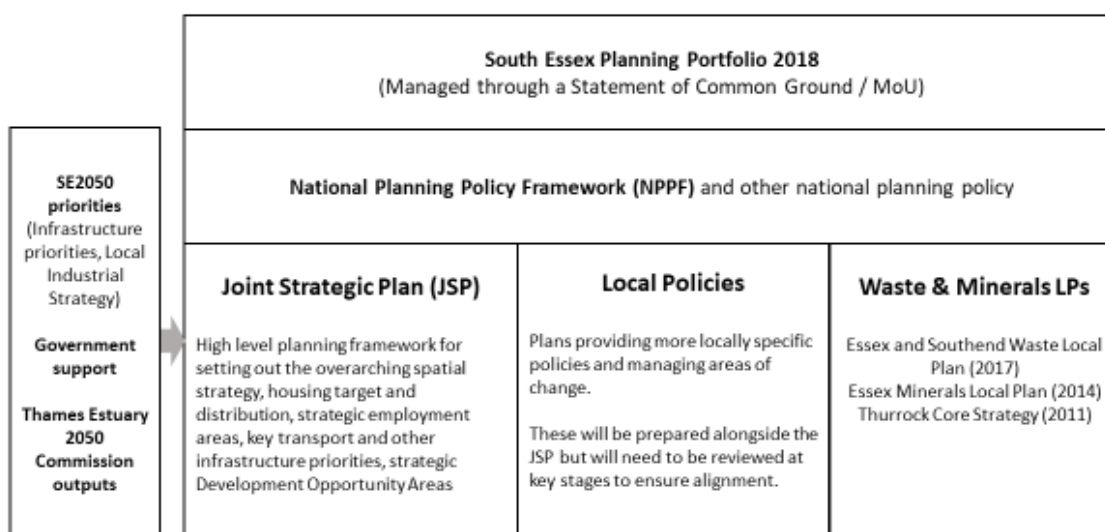
- 3.6 Some supporting documents will be available for comment alongside the new Local Plan, including the Sustainability Appraisal/Strategic Environmental Assessment and Habitats Regulations Assessment. The timetable for the new Local Plan is set out below:

Stage	Target Date
Spatial Options Document public consultation (Regulation 18)	July / August 2021
Preferred Options Document public consultation (Regulation 18)	Spring 2022
Proposed Pre-Submission Document public consultation (Regulation 19)	Autumn / Winter 2022
Submission to Secretary of State for independent examination (Regulation 22)	Spring 2023
Examination hearings	Summer 2023
Inspector's Report expected	Autumn / Winter 2023
Adoption by Full Council	Autumn / Winter 2023

- 3.7 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.

South Essex Joint Strategic Plan

- 3.8 The local authorities across South Essex have a history of working collaboratively on a range of issues to develop appropriate approaches to meet common strategic aims and objectives. Building on this partnership working approach, the Leaders and Chief Executives from Basildon, Brentwood, Castle Point, Rochford, Southend-on-Sea and Thurrock Councils, and Essex County Council initiated an approach of collaboration to develop a long-term place-based growth ambition in July 2017. This culminated in the signing of a South Essex 2050 Memorandum of Understanding in January 2018. A joint approach will enable South Essex to collectively support economic growth and sustainable development across the sub-region and effectively respond to external pressures, such as the Thames Estuary 2050 Commission and the London Plan.
- 3.9 Part of the South Essex ambition to effectively deal with the challenge of growth will be realised through the preparation and adoption of a Joint Strategic Plan. The Joint Strategic Plan will be a high-level planning framework covering the whole of South Essex, which includes the six local authorities listed above.
- 3.10 A Statement of Common Ground has been prepared, in accordance with the NPPF, to support the preparation of the Joint Strategic Plan. This will ensure that there is not only a proactive and positive approach to strategic planning matters across the sub-region, but that there is a clear (and agreed) approach to how these will be delivered in all relevant local planning documents.
- 3.11 The relationship between Rochford District's new Local Plan and the Joint Strategic Plan is illustrated in the diagram below:



- 3.12 The scope and timetable of the Joint Strategic Plan is currently under review and an up-to-date timetable will be provided in a future LDS update once agreed.

4 Other Statutory and Non-Statutory Planning Documents

Supplementary Planning Documents

- 4.1 The Council has adopted a number of Supplementary Planning Documents to date. Whilst it is not anticipated that these guidance documents will need to be revised at present, the Council's adopted documents will be kept under review as the new Local Plan and CIL progress. The LDS will be updated as necessary.
- 4.2 It was recognised in late 2017 that there was a need to work collaboratively with neighbouring Councils throughout Essex to ensure a consistent approach to preventing disturbance to protected habitats and species along the coast. As such, since December 2017 11 districts and boroughs across Greater Essex* have been working together alongside Natural England to create a Recreational disturbance Avoidance Mitigation Strategy (RAMS) and SPD to set out a strategic approach to identifying the scale of recreational disturbance to Special Protection Areas, Special Areas of Conservation and Ramsar sites along the Essex coast and propose measures to mitigate potential impacts. The RAMS SPD was adopted in October 2020.

Neighbourhood Plans

- 4.3 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

* Basildon Borough Council, Braintree District Council, Brentwood Borough Council, Castle Point Borough Council, Colchester Borough Council, Chelmsford City Council, Maldon District Council, Rochford District Council, Southend-on-Sea District Council, Tendring District Council and Thurrock Council

area. They are subject to independent examination and referendum, and once adopted will form part of the statutory local development plan for the area.

- 4.4 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[†].

Minerals and Waste Local Plans

- 4.5 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 2018 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)
- 4.6 These policy documents form part of the statutory local development plan for the district and can be viewed online at www.essex.gov.uk.

Authority (formerly Annual) Monitoring Report (AMR)

- 4.7 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 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 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.

[†] www.rochford.gov.uk/planning-and-building/planning-policy/neighbourhood-planning

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	Potential Mitigation
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 planning policy documents by timescales identified	Medium/ High	Consider options for increasing capacity/resources, including recruiting temporary staff Timescales may need to be reviewed
Failure for infrastructure to be delivered by the relevant providers, e.g. Essex County Council, to appropriately support development	Low	Consider alternative options for delivering infrastructure, including exploring an infrastructure-first approach and maximising funding opportunities Ongoing engagement and consultation with infrastructure providers at all stages of the plan-making process to ensure objectives are aligned and information is shared
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

Risk	Level of Risk	Potential Mitigation
Significant public opposition to planning policy document	Medium / High	Effective Member and public engagement Clear communication Robust evidence, including community participation
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 planning policy document	Medium / High	Ensure that procedures and regulatory requirements are followed Seek legal advice as required
Budget shortfalls as a result of timetable delays, examination length and / or legal challenge	Medium	Regular budget monitoring Seeking external funding sources e.g. Planning Delivery Fund Ongoing engagement with S151 officer and Leadership Team



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