

REPORT ON THE INSPECTOR'S REPORT INTO THE ROCHFORD DISTRICT REPLACEMENT LOCAL PLAN

1 MAIN ISSUES

- 1.1 In March and April 2005, an Inspector conducted a public inquiry into the representations received regarding the Rochford District Replacement Local Plan. Following consideration of these representations, the Inspector has produced a report detailing recommendations for the Council to improve the plan.
- 1.2 These recommendations now need to be considered to ensure the smooth and timely passage of the Local Plan from its current draft status to that of the adopted Local Plan for the District.
- 1.3 Copies of the Inspector's Report have been sent in the weekly run to all Members and placed in the Members' Library at the Civic Suite in Rayleigh and the Members' Room at Rochford.
- 1.4 The Inspector at the Local Plan Inquiry examined all the representations made to the first and second deposit drafts of the Rochford District Replacement Local Plan. Having examined these and made various site visits, he has prepared a report detailing what he considers are necessary amendments to the plan. These are summarised in Appendix A, together with any pertinent officer comments.
- 1.5 The Inspector also considered sites for release from the Green Belt for housing and employment purposes. However, he found no need (at the current time) to release any land. This was because of the justification provided that enough land was identified for housing and employment purposes within the plan as deposited.
- 1.6 It is suggested that Members accept all of the Inspector's recommendations. The implementation of these changes to the Local Plan will cut down on the time to adoption. It will also prevent the need for a modifications local plan inquiry, which has significant time and resource savings. The cost of a further local plan inquiry could be considerable and would add a delay of at least one year to the adoption process. It is also important to bear in mind that a timetable has been agreed for the preparation of the Local Development Framework documents, with work on the Statement of Community Involvement already well underway.
- 1.7 Copies of the revised Rochford District Replacement Local Plan, showing the various amendments proposed and made have also been placed in the Members' Library and the Members' Room.

2 RISK IMPLICATIONS

- 2.1 There will be a risk to the Authority if changes are proposed that are at variance with those recommended by the Inspector. The failure to implement recommended changes will leave the Authority open to legal challenge.

3 RESOURCE IMPLICATIONS

- 3.1 Failure to accept the Inspector's recommendations may lay the Authority open to the implications outlined in paragraph 1.6

4 LEGAL IMPLICATIONS

- 4.1 The failure to implement recommended changes will leave the Authority open to legal challenges by objectors.

5 RECOMMENDATION

- 5.1 It is proposed that the Committee **RECOMMENDS**
- (1) That, subject to Members' views, the changes recommended by the Local Plan Inquiry Inspector be incorporated into the Rochford District Replacement Local Plan as outlined in appendix A to the report.
 - (2) That authority be delegated to the Head of Planning Services to approve minor amendments to the Rochford District Replacement Local Plan as may be required to ensure the accuracy of the published plan. (HPS)

Shaun Scrutton

Head of Planning Services

Background Papers:-

Rochford District Replacement Local Plan Inspector's Report

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APPENDIX A – PROPOSED RDC RESPONSES TO THE INSPECTOR’S REPORT

INTRODUCTION

This document has been prepared to simplify the process of assessing what changes will and will not be made following the receipt of the Inspector’s Report into the Rochford District Replacement Local Plan Inquiry.

It is split into four sections:

1. NO CHANGE

Those parts of the Plan where representations were received and that the Inspector does not feel any further changes are warranted;

2. COUNCIL’S MODIFICATION ACCEPTED

Those changes that are recommended in line with modifications proposed by the Council;

3. INSPECTOR’S CHANGES

Those parts of the plan where the inspector recommends changes, which are not necessarily in line with the Council’s opinion; and

4. MODIFICATIONS PROPOSED BY THE COUNCIL AT THE INQUIRY STAGE

The other modifications proposed by the Council and given to the Inspector to clarify the situation at the close of the Inquiry. This list does not include those specifically removed by the Inspector.

The third section includes an officer commentary, detailing the proposed direction that the Council should take.

The plan is dealt with in chronological order, with the proposals maps section detailed at the end.

NO CHANGE

CHAPTER ONE
Paragraphs 1.1 to 1.3 – FD47/2, FD144/1, FD154/3
CHAPTER TWO
Housing objections (general) – FD154/75, FD177/2
Housing chapter – planning objectives - FD103/1, SD180/9, FD133/10, FD177/2
Paragraphs 2.1 - 2.4 – FD89/1, SD85/8
Paragraphs 2.7 - 2.9 – FD144/3, FD154/4,9
Paragraphs 2.10 – 2.12, TABLE 2.1 – FD103/2,3, SD95/5, FD133/6
HP3 - SD70/1, FD84/3, FD85/4, FD95/10, SD95/8, FD108/2, FD111/1, FD121/2, FD133/3, FD151/1, FD180/2, FD196/2
Paragraphs 2.20 – 2.21, Policy HP5. (This Policy was withdrawn at Second Deposit, later Policies being renumbered, although some of the original Objections were not withdrawn) – FD85/5, FD133/4
Paragraphs 2.22, Policy HP5 - FD44/2, FD61/9, FD70/5, FD80/13, FD84/5, FD89/8, FD95/6, FD108/4, FD133/4, FD135/3, FD180/14,15, FD196/3
Paragraphs 2.23 – 2.27, Policy HP6 – SD32/6, FD42/6, FD85/3,4, FD95/6,14, FD108/5, FD180/2
Paragraphs 2.41 – 2.43, Policy HP10 – FD133/5
Paragraphs 2.44 – 2.48, Policy HP11 - SD80/102, FD80/11, FD89/10, FD133/12
Paragraphs 2.55 – 2.57, Policy HP14 - FD42/8, FD80/9, FD180/10,11, FD196/4, FD85/5
Paragraphs 2.59 - 2.60, Policy HP16 - SD80/102, FD80/6, FD180/7, FD196/5
Paragraphs 2.65 - 2.67, Policy HP20 - SD32/9, FD32/9,10, FD129/5, FD180/14, FD196/9
Paragraphs 2.68 – 2.73, Policy HP21 – FD32/59, FD61/12, FD108/7, FD148/6, FD150/6
Paragraphs 2.74 – 2.78, Policy HP22 – SD80/86, FD42/5, FD104/4, FD137/88, FD149/87, FD150/6
CHAPTER THREE
Rural issues (general) – FD81/2, FD137/2, FD149/1, FD150/1, FD154/3, FD182/1, FD179/1
Paragraphs 3.1 – 3.5 - FD14/1, FD95/1, FD139/1,2, FD144/11-14, FD154/3, FD161/1, FD89/11
Paragraphs 3.34 – 3.36, Policy R7 – FD32/1
Paragraphs 3.41 – 3.45, Policy R9 - FD176/11,13, FD121/2,4, FD129/7, FD154/31, FD176/1,12, FD180/8, FD196/12
Policy R10 – FD68/2,3, FD137/15, FD149/14, FD150/3, FD154/13, FD176/2
Paragraphs 3.47 – 3.49, Policy R10 (R11) – FD68/1, FD194/4
Paragraphs 3.50 – 3.52, Policies R11 and R12 (12, 13) - FD129/-, FD135/5
Paragraphs 3.53 – 3.55 – FD145/6
Proposed new policy; Major developed sites in the green belt – FD152/1

CHAPTER FOUR
Employment general – FD14/-
Employment chapter – planning objectives – E1 – FD144/5, FD154/7
Employment chapter – planning objectives – E3 – FD14/4
Paragraph 4.1 and BOX 4.1 – FD14/5,6, SD137/2
Paragraphs 4.2 – 4.3 – FD14/7
Paragraphs 4.4 – 4.13 – FD14/8-11, FD85/1, FD130/1, FD136/1
Paragraphs 4.16 – 4.18, Tables 4.1 and 4.2 – FD14/13-17, FD47/1, FD61/15, FD140/2, FD133/2,3
Paragraphs 4.21 – 4.25, Policy EB5 – FD194/5
Paragraphs 4.26 – 4.31, Policies EB6 AND EB7 – FD32/-, FD42/-, FD80/-, SD80/-, SD111/3, SD121/4
CHAPTER FIVE
New Policy – general aviation – FD183/-
New policy – inclusion of a Policy detailing new road proposals - FD136/4, FD137/8, FD149/7, FD150/3, FD192/2, FD193/4, FD154/3,6
General comments on wording of policies – FD80/, FD60/1,2
Paragraphs 5.11 – 5.24 – FD66/4,5, SD81/12
Paragraph 5.25, Policy TP1 - FD61/13, FD80/40
Paragraphs 5.26 and 5.27, Policies TP2 and TP3 – FD145/7
CHAPTER SIX
Paragraphs 6.1 – 6.5 – FD143/5
Policy LT6 – FD80/25
Paragraphs 6.41 – 6.44, Policy LT15 - SD80/76, FD129/14, FD137/9, FD149/8, FD150/10
Paragraphs 6.46 – 6.52, Policy LT17 – FD73/1, FD80/35, SD32/34, SD42/-
New policy – the protection of existing sports and leisure facilities - FD143/-
New policy – the protection of allotments – FD137/-, FD149/-, FD150/-
New policy – provision for new rights of way - FD180/19, FD196/13
CHAPTER SEVEN
Historic environment general – FD137/5, FD145/4, FD149/-, FD150/-, FD180/21, FD193/2, FD196/16, FD104/12,23, FD154/4
Paragraphs 7.8 – 7.10, Policy BC2 – FD62/6, FD80/21, SD95/20, SD133/5, FD193/5
CHAPTER EIGHT
Paragraphs 8.4 – 8.7 - FD129/5, FD137/17, FD149/16, FD150/18, FD192/4, FD196/15
Paragraph 8.8, Policy NR1 - FD14/22, SD205/3
Paragraph 8.16 (At First Deposit this section included Policy NR4 – Agricultural Land) – FD42/33, FD70/11, FD73/7, FD176/4, FD192/7
Paragraphs 8.56 – 8.59, Policy NR10 – FD32/49, SD32/47
CHAPTER NINE
Paragraphs 9.19 – 9.22, Policy SAT7 – FD80/67&68, SD136/9
Paragraphs 9.23 – 9.27, Policies SAT8 – SAT10 – FD135/6, SD135/5

CHAPTER TEN
Paragraphs 10.12 – 15, Policies UT1 and UT2 – FD80/69
Paragraphs 10.16 – 10.17 – SD145/1
Paragraph 10.31 – FD159/1
Paragraphs 10.35 & 10.36, Policy UT5 – FD14/23, FD140/10, FD155/10
New policy or allocation for a new prison – FD186/1
CHAPTER ELEVEN
Paragraphs 11.1 – 11.2, Policy PN1 – FD85/9
Paragraphs 11.8 – 11.11, Policy PN3 – FD85/12
Paragraphs 11.12 – 11.14, Policy PN4 – FD85/9
Paragraphs 11.15 – 11.20, Policies PN5 & PN6 – FD85/10-12, FD85/73, FD80/72

COUNCIL'S MODIFICATION ACCEPTED

Struck through text (~~text~~) indicates text which is to be deleted, whilst underlined text (text) indicates new text to be included.

CHAPTER TWO

Paragraphs 2.29 to 2.48 should have their numbering decreased by one.

Paragraph 2.35 currently (to be renumbered 2.34)

2.35 *Affordable housing provision for villages can usually best be met through the application of Policy HP98 and the provision of suitable accommodation in a nearby town. However, rural affordable housing provision may also be provided through the application of an 'exception' policy. Such a policy enables a local planning authority to grant planning permission for land within or adjoining existing villages which would not normally be released for housing, in order to provide affordable housing to meet local needs in perpetuity.*

Paragraph 2.38 currently (to be renumbered 2.37)

2.38 If it is concluded that an exception scheme is justified, the LPA will require details of the legal mechanism to be adopted to ensure the new houses are available in perpetuity for the community. Policy HP~~409~~ deals with rural exceptions affordable housing.

POLICY HP8 – AFFORDABLE HOUSING

As required by central government In new residential development schemes of more than 25 dwellings or residential sites of 1 hectare or more, the Local Planning Authority will expect between 10% and 20% of the new dwellings to be provided as affordable housing to meet local needs.

Arrangements will be required to ensure that the affordable housing is retained in perpetuity for the use of successive as well as initial occupiers: This will be best achieved through the involvement of a housing association. The developer will be expected to enter into an agreement with the authority under the provisions of Section 106 of the Town and Country Planning Act 1990 to secure the provision.

In some cases, it will be inappropriate for the affordable housing provision to be within the development scheme, and in such cases, the Local Planning Authority will seek ~~require~~ the provision of a commuted sum towards off-site affordable housing in the district.

~~Affordable housing or commuted sums will be required on composite sites or those sites where development is piecemeal, where the total development exceeds the 12 dwelling threshold.~~

POLICY HP9 – RURAL EXCEPTIONS

The LPA will consider proposals for the provision of affordable housing in rural areas subject to:

- i. It being demonstrated that there is an identified local need;
- ii. It not being possible to satisfy these needs in any other way;
- iii. There being access to local services; ~~and~~
- iv. The housing being legally available for local people in perpetuity; and
- v. The protection of biodiversity interests on and surrounding the site.

Paragraphs 2.50 to the end of the chapter should have their numbering decreased by two.

CHAPTER THREE

POLICY R2 - RURAL SETTLEMENTS & AREAS WITHIN THE GREEN BELT

Within the following rural settlement areas:-

- (i) Central Avenue/Pevensey Gardens, Hullbridge;
- (ii) Pooles Lane, Hullbridge;
- (iii) Windsor Gardens, Hawkwell;
- (iv) Rectory Road/Hall Road, Hawkwell;
- (v) Barling Road/Rebels Lane, Great Wakering;
- (vi) Stonebridge, Barling;
- (vii) Hall Road, Rochford; and,
- (viii) Bullwood Hall Lane and High Road, Hockley,

Planning applications for extensions to dwellings within the territorial limits as defined in LPSPG3 will be treated on their individual merits having due regard to :-

- a) the character of the development already existing in the settlement; and
- b) the visual amenities of the area.

3.26 Policy R5 is intended to cover all reasonable requirements, and there should be no requirement to breach it, except in exceptional circumstances. Please also refer to the notes accompanying policies R5 & R6.

3.33 Policy R6 is intended to cover all reasonable requirements, and there should be no requirement to breach it, except in exceptional circumstances. Please also refer to the notes accompanying policies R5 & R6.

POLICY R8 - NEW AGRICULTURAL BUILDINGS

Where planning permission is required, the Local Planning Authority will be ~~Whilst being~~ mindful of the operational requirements of new agricultural buildings, but ~~the Local Planning Authority~~ will refuse buildings which are of a design, external appearance and siting that:-

- i. Has an adverse visual impact in the landscape or on features of nature conservation interest; and,
- ii. Fails to respect the character and appearance of nearby buildings.

CHAPTER FOUR

POLICY EB1- EXISTING SITES & THE ALLOCATION OF NEW SITES

Within those areas proposed for use or currently used primarily for employment purposes as shown in table 4.2 and on the proposals maps, applications for development within classes B1 (Business), B2 (General Industrial) and B8 (Storage) of the Use Classes Order (1987) will be permitted, providing that the criteria in EB2 ~~5~~ are met.

POLICY EB3 - MAKING THE BEST USE OF AVAILABLE LAND

In determining proposals for development for business, industry and warehousing on sites which are not allocated on the proposals maps, the sequential test contained within PPG6 will be applied.

In applying this test the local planning authority will consider how the development will improve its surroundings, the appearance of buildings, screening, any harmful impacts on neighbouring uses, site access, layout and the protection and enhancement of nature conservation interests. ~~and the ecological value of the site and adjoining land.~~

Paragraph 4.21 from the first deposit draft was removed erroneously. It should be restored ahead of paragraph 4.20, thus:

- 4.20 Many non-conforming uses exist in residential and other areas, some of which are established and acceptable in that they do not cause undue detriment to the amenities of the surrounding areas. The Council will deal with existing and proposed mixed uses having due regard to paragraphs 14 to 19 of PPG4 (Industrial and Commercial Development and Small Firms).

POLICY EB10 – STAMBRIDGE MILLS

Development at Stambridge Mills will be restricted to class B1 (~~Business light industrial~~) uses, as defined by the Use Classes Order 1987. Development proposals must be accompanied by a flood risk assessment and traffic impact assessment. High quality design will be required given the prominent waterfront location of this site and the biodiversity interest of the area. Applications for demolition will not be granted unless accompanied by an acceptable redevelopment scheme.

- 4.37 The Local Planning Authority believes that the site is suitable for B1 (~~Business light industrial~~) uses. Such a development would require the removal of the unsightly buildings on the site and their replacement with well designed units, which would be adequately protected from the risk of flooding. Any development proposals must be accompanied by a flood risk assessment and a traffic impact assessment.
- 4.38 The site is upriver of the Crouch and Roach Estuaries SPA and Ramsar site, and is likely to be in direct hydrological connectivity with the habitats of the upper Roach and its riparian land. Therefore any application will need to adequately considered biodiversity interests in and around the site.

CHAPTER FIVE

POLICY TP4 - HEAVY LORRY ROUTES

The Council will refuse applications for development likely to create ~~significant~~ adverse traffic impacts, including heavy vehicle movements that are on sites outside existing or proposed industrial estates or that would give rise to other adverse environmental impacts.

POLICY TP6 – SAFEGUARDING & THE PROMOTION OF WALKING, CYCLING & HORSERIDING ROUTES

Planning permission will not be granted for development affecting existing cycling, walking and horseriding routes unless the proposals include either the maintenance or diversion of the route, to one which is no less attractive, safe and convenient for public use.

Cycling and walking will be promoted as an alternative to using the car especially for shorter distance trips. Development must ensure the:-

1. Provision of a safe and convenient network of dedicated cycle and pedestrian routes linking homes, workplaces, community facilities and transport interchanges and also the provision of secure cycle parking at centres of attraction;
2. Use of traffic management measures to improve conditions for pedestrians, the mobility impaired and cyclists;
3. Provision in new development and transport schemes for pedestrians, the mobility impaired and cyclists;
4. Provision of good access and secure cycle parking facilities at public transport interchanges; and
5. Parking spaces should be provided in accordance with the standards shown more fully in LPSPG1 and LPSPG2

~~5.46 The solution preferred by the airport operator is to move the Grade 1 listed St Lawrence Church to beyond the Runway End Safety Zone and to extend the runway across Eastwoodbury Lane, thereby allowing the threshold areas to be repositioned. The land for the runway extension and the church, both lie within Southend-on-Sea Borough Council's area.~~

CHAPTER SIX

POLICY LT1 - RURAL ISSUES

Leisure and tourism proposals in rural areas will be ~~supported~~ permitted provided that the rural landscape, biodiversity and the character of the area will not be adversely affected by reason of the size, scale and design of the proposal, or by the intensity/activity associated with the use.

- 6.40 Proposals utilising existing redundant farm/agricultural buildings within the countryside are most likely to be favoured. New equestrian development must be closely located and related to existing development and should not be in remote/isolated rural locations. Policy TP6 deals with the safeguarding and provision of new bridle ways ~~paths~~.

POLICY LT15 - GOLF COURSES & EXTENSIONS TO EXISTING FACILITIES

Applications for golf course and driving range facilities will be required to satisfy the following criteria:

- I. the proposal will not adversely affect Sites of Scientific Interest, Ancient Landscapes or Ancient Woodlands as shown on the Proposals Map;
- II. the proposal will not adversely affect natural features and habitats of nature conservation importance and will include measures which allow for local habitat creation;
- III. the proposal will be in harmony with the landscape and will avoid prominent locations, the dominant features of the existing site will be retained and incorporated into the scheme;
- iv. where built development is proposed, preference will be for the use of existing buildings and will be restricted to those facilities that are essentially required to serve the use of land for golf. New buildings not essentially related, including for residential, social and holiday accommodation, will not be permitted;
- v. The layout of the course, the siting and size of its buildings, car parking and a landscape scheme should be submitted as part of the planning application and not left for later approval;
- vi. The proposal will satisfactorily incorporate existing public rights of way; and
- vii. That safe and convenient access can be made to the principal road network and that the traffic generated would not be detrimental to the rural roads and the small settlements that might be affected from the passing of vehicles.

POLICY LT14 - HORSE RIDING FACILITIES

Proposals for horse related development will be granted planning permission provided that the following criteria are met:

- i. Proposals for equestrian establishments whether for private use or as a commercial livery will need to demonstrate that there is adequate land within the curtilage of the site to allow for the proper care of horses, including stabling, grazing and exercise, in accordance with the British Horse Society Standards;
- ii. Proposals for buildings to serve private use or commercial livery in locations outside of the urban settlement areas must be the result of re-use of existing former farm/agricultural buildings;
OR
be located close to and relate to existing development that is controlled and under the ownership of the applicant, (for example a range of existing farm buildings or an area of paddock land immediately adjacent to the applicant's dwelling house);
- iii. the proposal is well related to existing or proposed bridleways and will not cause conflicts between equestrians, and have no adverse effect on the road or highway safety of the area;
- iv. the proposal will not be visually intrusive or detrimental the character of the area or nature conservation interests;
- v. there will not be a detrimental affect on the amenity of the local area by virtue of noise, smell or disturbance;
- vi. new dwellings associated with equestrian facilities will ~~not only~~ be permitted, ~~except~~ within existing or proposed residential areas, as defined on the proposals maps; and

- vii. any proposal for stables or equestrian development in remote, isolated locations unrelated to existing development that may affect the character or compartmentalise the countryside will be refused.

LT18 – RURAL TOURISM

1. The change of use and/or conversion of existing buildings in the countryside to accommodate leisure or tourism related facilities (including hotels and guesthouses with less than 6 bedrooms) will be permitted, provided:
 - i. The proposal re-uses a building constructed of permanent materials with a reasonable expectation of life;
 - ii. The proposal maintains or enhances the rural environment and the landscape character of the area;
 - iii. Provision can be made for the parking of guests' vehicles within a farm complex, or on a plot, without causing visual harm and safe access to the site can be obtained without any detrimental visual changes to the junction with the highway; and
 - iv. An ecological ~~bat~~ survey is undertaken;
2. Planning permission for the re-use of rural buildings for tourist accommodation may include, amongst others, a condition restricting the construction of additional buildings on a farm holding or plot.

POLICY LT19 - NEW HOTEL & GUESTHOUSE ACCOMMODATION

- A. Proposals for hotel or guesthouse accommodation (with six or more bedrooms), within residential areas, as defined on the proposal maps, will only be permitted if all of the following criteria are met:
 - i. Suitable means of access, car parking and servicing arrangements will be provided;
 - ii. The location is well related to the road hierarchy and public transport is available nearby; and
 - iii. The proposal has no adverse affect on the amenity of residential areas, Conservation Areas, listed buildings, ~~or~~ the character of the landscape or nature conservation interests.
- B. Proposals for hotel or guesthouse accommodation (with six or more bedrooms) outside residential areas, as defined on the proposal maps, will be permitted if all of the following criteria are met:
 - i. A need for the development has been demonstrated;
 - ii. Demonstration that there is no site available within existing residential areas;
 - iii. The site should be located close to the edge of existing residential areas;
 - iv. The scale and appearance of the development will not have an adverse impact on the historic environment, character of the landscape or nature conservation interests;
 - v. There will be no adverse impact on the ~~designated wildlife sites~~ or on the Metropolitan Green Belt;
 - vi. The site is accessible by a choice of types of transport.

CHAPTER SEVEN

In the section preceding paragraph 7.19

Relevant Local Plan Supplementary Planning Guidance

6 LPSPG1 – Housing Design

LPSPG5 - Design Statements

LPSPG7 - Design Guidance for Conservation Areas

LPSPG8 - Shop Fronts - Security and Design

LPSPG9 - Conservation Area Maps

7 Essex Design Guide

Rochford Historic Town Project Assessment

Rayleigh Historic Town Project Assessment

CHAPTER EIGHT

NATURAL RESOURCES CHAPTER OBJECTIVE

N4 To protect, conserve and enhance species, areas and features of nature conservation importance.

POLICY NR2 - HISTORIC LANDSCAPE

Within the areas of historic landscape development which would adversely affect the historic importance, existing landscape character or physical appearance of Ancient Woodlands or Ancient Landscapes as defined on the proposals map will not be permitted.

Development which borders areas identified as Ancient Landscapes or Ancient Woodlands will be required to incorporate ~~significant~~ native natural buffering to mitigate against any potential damage both during construction and from subsequent use.

Tree Protection

8.11 Trees are fundamental to the landscape, particularly in urban areas. They provide valuable visual and nature interest to the streetscape and often have a high wildlife value. The Council will serve Tree Preservation Orders (TPO's) on woodlands, groups and individual trees where they are considered to be at risk and where their removal would be considered to have an adverse effect on the local environment. Many trees in Conservation Areas are protected and intention to fell must be notified to the LPA.

8.20 Council will ~~require seek~~ adequate ecological information to be provided by developers when submitting proposals for development on brownfield sites, or other sites thought to be of significance for nature conservation, where these are not already covered by an Environmental Impact Assessment. In the absence of adequate information forthcoming the Council will be expected to refuse such proposals.

~~8.21 As well as greenfield land, previously developed land can support considerable biodiversity interest because:~~

- ~~• it offers opportunities for wildlife to colonise;~~
- ~~• much of the farmed countryside is in poor ecological condition; and~~
- ~~• quasi-natural niches are rare in the wider environment (e.g. bare ground, lack of pesticides/herbicides/fertilisers)~~

8.21 Previously developed land can support a complex range of ecological niches that are often absent from surrounding intensively managed urban or arable land such as the presence of patches of bare ground, the presence of significant amounts of dead wood or disused buildings which can attract a range of specialist plants and animals. Where development on previously developed land with nature conservation interest is permitted, the creation of compensatory habitat(s) will be expected under the provisions of the nature conservation policy suite.

RAMSAR SITES

8.25 Ramsar sites are named after an international conference held on wetland and wildfowl conservation at Ramsar in Iran, in 1971. The Convention on Conservation Wetlands of International Importance was ratified by the UK Government in 1976. The UK accepted responsibility to promote the conservation of wetlands of international significance within its territory with respect to birds, plants and animals they support. ~~They also qualify because they regularly support over 20,000 waterfowl as well as internationally important popular populations of several species of waterfowl (over 1% of individuals in a population).~~ Ramsar sites are notified based on a range of assessment criteria. The criteria for waterbirds state that a wetland should be considered internationally important if it regularly supports 20,000 or more waterbirds and/or if it regularly supports 1% of the individuals in a population of one species of waterbird. There are two listed Ramsar sites in Rochford District: Foulness and the Crouch and Roach Estuaries.

8.27 Rochford has two sites that have been confirmed as SPAs:

1. The Crouch and Roach Estuaries SPA qualifies under Article 4.2 of the EU Birds Directive by supporting:
 - Internationally important assemblage of waterfowl (wildfowl and waders)
 - Internationally important populations of regularly occurring migratory species.
2. Foulness SPA qualifies under Article 4.1 of the EU Birds Directive by supporting:
 - internationally important breeding populations of regularly occurring Annex 1 species: sandwich tern (*Sterna sandvicensis*), common tern (*Sterna hirundo*), little tern (*Sterna albifrons*) and avocet (*Recurvirostra avosetta*).; ~~and~~
 - ~~internationally important wintering population of the Annex 1 species hen harrier (*Circus cyaneus*). The habitat for this species to feed does not occur within the Essex Estuaries European Marine Sites.~~

POLICY NR5 – LOCAL NATURE RESERVES AND WILDLIFE SITES

Proposals for development which ~~will are likely to~~ adversely affect areas identified as Local Nature Reserves, Wildlife Sites or Regionally Important Geological Sites, will not be permitted unless it can be demonstrated that the justification for the proposal clearly outweighs the need to safeguard the nature conservation value of the site ~~and appropriate compensatory measures can be provided, which ensure that there is no net loss of the asset which has been affected.~~

In cases where justification for a development proposal clearly outweighs the need to safeguard the nature conservation value of the site, compensation may be provided for within or close to the development site, but when this is not possible, elsewhere in the plan area. Development will not be permitted where such agreements cannot be secured, through legal agreements, or planning conditions.

POLICY NR6 - OTHER LANDSCAPE FEATURES OF IMPORTANCE FOR NATURE CONSERVATION

When considering proposals for development the Local Planning Authority ~~will endeavour to~~ protect the following landscape features, which are of importance for wild fauna and flora from loss or damage:

- Hedgerows
- Linear tree belts
- Plantations and woodlands
- Semi-natural grasslands
- Marshes
- Watercourses
- Reservoirs
- Lakes
- Ponds
- Networks or patterns of other locally important habitats

Development which ~~would may~~ adversely affect, directly or indirectly, the landscape features listed above will only be permitted if it can be proven that the reasons for the development outweigh the need to retain the feature and that mitigating measures can be provided for, which would reinstate the nature conservation value of the features. Appropriate management of these features will be encouraged through the imposition of conditions on planning permissions where appropriate and/or endeavour to achieve the completion of a legal agreement to secure the provision of a replacement feature of equivalent value, and to ensure the future management thereof.

POLICY NR7 – SPECIES PROTECTION

Planning permission will not be granted for development likely to cause harm to species protected under English and/or European Law. Development will not be permitted unless it can be demonstrated that the justification for the proposal clearly outweighs the need to safeguard the nature conservation value of the species or its habitat. In such cases ~~Where development is permitted that is likely to have an adverse affect upon the habitat of protected species,~~ the local planning authority will impose conditions and/or seek the

completion of a legal agreement in order to:

- i. secure the protection of individual members of the species;
- ii. minimise the disturbance to the species; and
- iii. provide adequate alternative habitats to sustain at least the current levels of population.

POLICY NR8 – COASTAL PROTECTION BELT

Within the Coastal Protection Belt priority will be given to the protection of the rural and undeveloped coastline. Applications for development will not be granted planning permission unless it can be shown that the development would not adversely affect the open and rural character of the coastline, or its historic features, ~~or~~ wildlife or geological features.

8.52 A series of floodplain maps are produced by the Environment Agency. The LPA has produced maps, taking advice from the Environment Agency, showing the flood risk areas considered to be developed, sparsely developed and undeveloped, and functional floodplain, to which the policy below applies. The floodplain maps are indicative only and do not distinguish between the defended and undefended ~~flood~~ flood risk areas. It should be noted that where flood risk areas are proven to be defended, these are areas where flood defences reduce, not remove, the risk of flooding.

8.67 Significant changes to the coastline are not to be taken lightly and the involvement of English Nature and the Environment Agency, together with local nature organisations such as the Essex Wildlife Trust, will be a key part of the process. Much of the coastline is a public right of way and as such the Public rights of Way team at Essex County Council will also need to be involved.

CHAPTER NINE

9.10 To ensure the vitality and long term viability of a Town Centre, it is crucial that it has at its core a predominance of attractive retail uses. Whilst a proportion of non-retail uses (e.g. banks, building societies, restaurants and pubs) will complement a shopping centre, long stretches of 'dead' non-retail frontage and a high percentage of non-retail uses throughout the centre will destroy its synergy. The Local Planning Authority will produce supplementary guidance detailing the frontages and properties covered by policies SAT3 and SAT4.

9.14 The policies also seek to lessen the effect of dead frontage by requiring that premises in non-retail use continue to use shop windows for display purposes, and to ensure that proposals would not result in the loss of any independent means of accessing the building's upper floors, so preventing their beneficial use as self-contained living accommodation, or for other appropriate purposes. A policy covering the use of the upper floors of shops and other commercial uses as self-contained living accommodation can be found in Policy HP187 within the Housing chapter.

Paragraph 9.26 should be renumbered 9.28.

CHAPTER TEN

10.2 At the time of the First Review there were problems with reservoir levels due to low rainfall resulting in restrictions on water usage. However, changing weather patterns since the mid-1990s have led to the recharging of groundwater supplies and reservoirs and this, coupled to less water wastage have alleviated the need for restrictions. Developers must consider the implications of their development on water supply and should consult with suppliers prior to submission. Developers must also include water efficiency and conservation in their schemes, in line with sustainable development principles.

INSPECTOR'S CHANGES

<p>CHAPTER ONE</p> <p>Core Strategies (general) – FD/80 Inspector's recommendation <i>That the first phrase of each of the Core Strategies be changed to "It is the Council's aim to ...".</i> Officer's comments – AGREED</p>
<p>Policy CS1 – FD80/1, FD121/1, FD105/1, FD133/1 Inspector's recommendation <i>That Core Strategy CS1 be changed to:</i> <i>"It is the Council's aim to maintain or improve the environmental wealth of the district by only permitting development that is environmentally, socially and economically sustainable."</i> Officer's comments – AGREED</p>
<p>Policy CS3 – FD80/3 Inspector's recommendation <i>That Core Strategy CS3 be changed as follows:</i> <i>"It is the Council's aim to ensure that development reduces the length, number and duration of motorised journeys, particularly at peak hours and that it encourages the use of alternative modes of transport to help protect the quality of the built environment."</i> Officer's comments – AGREED</p>
<p>Paragraphs 1.37 to 1.41 – FD32/5 Inspector's recommendation <i>That the following be added to the last sentence of Paragraph 1.40:</i> <i>"... while noting that such land may have nature conservation interest."</i> Officer's comments – AGREED</p>
<p>Policy CS6 – FD12/2, FD32/6, FD42/3, FD84/2, FD95/1, FD133/3, FD108/1 Inspector's recommendation <i>That the opening phrase of Core Strategy CS6 be changed as follows:</i> <i>"It is the Council's aim to encourage good quality design which:"</i> <i>That in Paragraph 1.45 the second sentence be changed as follows:</i> <i>"Design statements should accompany those applications for development defined in Policies HP4 and EB6 and LPSPG5."</i> Officer's comments – AGREED</p>
<p>Paragraphs 1.53 – 1.56, Policy CS8 – FD80 Inspector's recommendation <i>That the opening phrase of Core Strategy CS8 be changed as follows:</i> <i>"It is the Council's aim to protect and enhance the District's identity and in assessing the design and quality of development proposals will take account of the following ..."</i> Officer's comments – AGREED</p>
<p>Paragraphs 1.57 – 1.62, Policy CS9 – FD80/5, FD85/1, FD133/3,6 Inspector's recommendation <i>That Core Strategy CS9 be changed as follows:</i> <i>It is the Council's aim to ensure that when development takes place landscaping is</i></p>

an integral part of the design process. Where a design statement is required under Policies HP4 or EB6 or in the circumstances given in LPSPG5, a landscaping scheme will normally also be expected.

Officer's comments – AGREED

CHAPTER TWO

Paragraph 2.13 – 2.15, Table 2.2, Policy HP1 – FD161/3, FD177/1,3, SD95/7, FD103/4, FD133/3, FD144/9, FD154/4, SD180/1, SD205/1, FD42/4, FD70/1, FD95/12, FD102/2, FD105/10, FD133/2, FD144/4, FD154/11, FD160/1, FD89/2

Inspector's recommendation

*That Table 2.2 be updated to show figures current when the Plan is adopted.
That in Table 2.2 an allowance for non-completion be made in the figures for sites with planning permission and sites without planning permission.*

Officer's comments – AGREED

Policy HP2 – FD47/3, FD154/4,5, FD148/2, FD189/1, FD103/5,6, FD149/2, FD142/1-4, FD61/6, FD12/3, FD95/3-9, FD133/7, FD89/4-6, FD190/1, FD153/1, FD57/2, SD211/1, FD200/1, FD62/1, FD102/1, FD181/1, FD26/2, FD144/7,10, SD128/1, FD145/5, FD135/1, FD146/1, FD143/1, FD192/3, FD150/1-3, FD70/2, FD105/2-9

Inspector's recommendation

That Policy HP2 be revised to include the Rochford Supermarket site.

Officer's comments – AGREED

Policy HP4 – FD42/5, FD70/3, FD95/2,10, FD108/3, FD111/2, FD133/8, FD89/7, FD84/4

Inspector's recommendation

That in Paragraph 2.19 reference to LPSPG 5 be added.

Officer's comments – AGREED

Paragraphs 2.29 – 2.30, Policy HP7 – FD12/4, FD61/4, FD84/6, FD95/16, FD111/3, FD121/3, FD105/12, FD193/6, FD133/3, FD89/2

Inspector's recommendation

That consideration be given to adding a further Aim to Chapter 1 on the following lines:

"It is the Council's aim to reduce energy and water consumption by:

- (a) promoting the development of environmentally efficient buildings and the use of energy efficient heating, lighting, cooling, ventilation and other powered systems;*
- (b) reducing the need to travel and encouraging the use of energy efficient transport; and*
- (c) promoting water conservation measures."*

That the section title be changed to "Energy and Water Conservation".

That Paragraph 2.30 be rewritten to make reference to the new Aim.

That Policy HP7 be changed to:

"The local planning authority will require developers to provide a statement of the measures that are to be taken to ensure the construction of environmentally efficient buildings and the use of energy efficient heating, lighting and other powered systems, reducing the need to travel and encouraging the use of energy efficient transport and ensuring water conservation."

Officer's comments – AGREED

Paragraphs 2.31 – 2.40, Policy HP8 – FD62/2, FD70/6, FD81/1, FD135/2, FD95/15, FD105/11, FD108/6, FD111/4, FD133/2, FD151/2, FD137/5, FD149/7, RD150/2, FD180/1,2, FD89/1,9

Inspector's recommendation

That the references to the Housing Needs Survey be updated to 2004.

That in Paragraph 2.34 in the second sentence after "could not" add "normally be expected", and in the third sentence add to the end " unless it can be shown that their price will come within that indicated as an affordable level in the Council's Housing Needs Survey".

That in Policy HP9 "not less than 15%" be substituted for "between 10% and 20%".

That Pre-Inquiry Change M8 be made except in so far as the proposed addition of "As requested by Central Government" be omitted.

Officer's comments – AGREED

Policy HP9 - FD80/17, FD84/7, FD137/8, FD148/3, FD149/4, FD150/3,4, FD161/2
Paragraphs 2.31 – 2.40, Policy HP8 – FD62/2, FD70/6, FD81/1, FD135/2, FD95/15, FD105/11, FD108/6, FD111/4, FD133/2, FD151/2, FD137/5, FD149/7, RD150/2, FD180/1,2, FD89/1,9

Inspector's recommendation

That consideration be given to adding the Council's view of the minimum level of access to local services required to Paragraph 2.37.

Officer's comments – AGREED

Paragraphs 2.50 – 2.51, Policy HP12 - FD80/4, FD85/5, FD151/3

Inspector's recommendation

That in Policy HP11 "To" be removed from Criterion (vi).

Officer's comments – AGREED

Paragraphs 2.52 – 2.54, Policy HP13 – SD89/3, SD95/17, SD121/3, FD111/5, FD133/6

Inspector's recommendation

That Policy HP13 be deleted and in its place inserted:

"The Local Planning Authority will require in developments of 25 or more dwellings that 10% of the units are designed, or capable of easy adaptation to, housing for long term needs."

Officer's comments – AGREED

Paragraphs 2.61 – 2.62, Policy HP17 – SD133/4, FD80/5

Inspector's recommendation

That Policy HP17 be deleted and in its place inserted:

"The Local Planning Authority will encourage the use of the upper floors of shops and other commercial premises by granting permission where required for accommodation that is self-contained and has separate access from the street and can provide a satisfactory standard of residential convenience and amenity".

That if the recommendation above is accepted, Pre-Inquiry Change M12 be not made.

Officer's comments – AGREED

Paragraph 2.63, Policy HP18 - FD80/7, FD111/6

Inspector's recommendation

That Policy HP18 be deleted.

Officer's comments – AGREED, but also a minor rewording of the text in revised

paragraph number paragraph 2.62, is needed.
Paragraph 2.64, Policy HP19 – FD80/10, FD85/15 Inspector's recommendation <i>That Policy HP19 be deleted.</i> Officer's comments – AGREED
CHAPTER THREE
Rural issues chapter – planning objectives – FD81/3, SD85/3,4 Inspector's recommendation <i>That Objective R11 be deleted.</i> <i>That Objective R14 be deleted.</i> <i>That in Objective R15 “and within the urban areas of neighbouring districts” be deleted.</i> Officer's comments – AGREED
Paragraph 3.6, Policy R1 – FD49/1, FD62/3, FD68/4, FD70/7, SD81/13, FD85/2, FD131/1, FD135/4, FD139/7, FD152/1, FD156/1, FD157/1, FD160/2, FD162/1, FD165/1, FD166/1, FD167/1, FD168/1, FD169/1, FD170/1, FD171/1, FD173/1, FD174/1, FD176/6, FD180/2,3, FD184/1, FD192/8, FD194/2, FD197/1, FD158/1, FD196/11, SD205/2 Inspector's recommendation <i>That in Policy R1 Criterion (iii) be changed to refer to Policy HP9 rather than Policy R3 and a further criterion be added to refer to the provision of agricultural and forestry dwellings (Policy R3).</i> Officer's comments – AGREED
Paragraphs 3.7 – 3.8, Policy R2 - FD80/10, FD137/9, FD139/3,4, FD149/8, FD150/2, FD172/1, FD158/6 Inspector's recommendation That the areas to which Policy R2 applies be shown on the Proposals Map. That Policy R2 be changed by the addition of: <i>“(viii) Kingsmans Farm Road, Hullbridge,</i> <i>(ix)…”</i> <i>That the last sentence of Policy R2 be changed to:</i> <i>“Proposals for extensions to dwellings in these areas as defined on the Proposals Map and in LPSPG3 will be permitted if the following criteria are met:</i> (a) <i>The appearance of the extension is in keeping with the scale and character of the dwelling and with its setting;</i> (b) <i>The extension will not be visually intrusive in the open character of the surrounding countryside;</i> (c) <i>The extension would not harm the amenity of nearby residents.”</i> Officer's comments – AGREED
Paragraphs 3.9 – 3.18, Policies R3 and R4 – FD139/5,6, FD176/7,8, FD176/9 Inspector's recommendation <i>That in Paragraph 3.14 “PPS7, paragraph 9” be substituted for “PPG7, paragraph 11”.</i> Officer's comments – AGREED

<p>CHAPTER FOUR</p> <p>Paragraphs 4.14 – 4.15 – FD14/12</p> <p>Inspector’s recommendation</p> <p><i>That the following be substituted for Paragraph 4.15:</i></p> <p><i>“The Council will give special consideration to the needs and encouragement of both small businesses and large-scale employment uses. The Council will seek to ensure that a range of sites and mix of units are provided within the District, including starter units and large-scale development opportunities.”</i></p> <p>Officer’s comments – AGREED</p>
<p>Policy EB1 – FD14/13-17, SD81/8, FD121/7,8, FD131/9, FD162/2, FD163/2, SD42/10, SD140/1, FD136/2</p> <p>Inspector’s recommendation</p> <p><i>That Policy EB1 be changed to omit “in table 4.2 and” and/or after “proposals map” add “and other land in employment uses”.</i></p> <p>Officer’s comments – AGREED</p>
<p>Policy EB2 – FD32/-, FD42/-</p> <p>Inspector’s recommendation</p> <p><i>That Policy EB2 be deleted, its criteria being added to Policy EB1.</i></p> <p>Officer’s comments – AGREED</p>
<p>Paragraph 4.19, Policy EB3 - FD32/-, FD42/13, SD42/-, FD81/4, SD121/1, FD133/2, FD163/1</p> <p>Inspector’s recommendation</p> <p><i>That the first sentence of Policy EB3 be changed to:</i></p> <p><i>“In determining proposals for development for business, industry and warehousing on sites which are not allocated on the proposals map, the sequential test to be applied for the location of office, industrial and warehousing uses will be that contained in the Replacement Structure Plan Policies BIW3 and BIW5.”</i></p> <p>Officer’s comments – AGREED</p>
<p>Policy EB8 - FD32/17, FD61/16, FD73/1, FD100/2, FD109/2, SD80/87, SD140/6, SD148/1, FD140/4, FD136/3</p> <p>Inspector’s recommendation</p> <p><i>That Policy EB8 be changed as follows:</i></p> <p><i>“Applications for development will be considered in accordance with the advice of PPG2, Annex C. Permission will not be granted where the proposals have significant harmful impacts on the Crouch Estuary SSSI, Ramsar Site and Special Protection Area, Metropolitan Green Belt or Special Landscape Area, where full regard is not taken of the dangers of flooding, or where there are likely to be significant increases in traffic on local rural roads.”</i></p> <p>Officer’s comments – AGREED</p>
<p>Policy EB9 - FD32/18, FD61/2, FD73/2, SD207/1</p> <p>Inspector’s recommendation</p> <p><i>That Policy EB9 be changed as follows:</i></p> <p><i>“Applications for development will be considered in accordance with the advice of PPG2, Annex C. Permission will not be granted where the proposals have significant harmful impacts on the Crouch Estuary SSSI, Ramsar Site and Special Protection Area, Metropolitan Green Belt or Special Landscape Area, where full regard is not taken of the dangers of flooding, or where there are likely to be significant increases</i></p>

<p><i>in traffic on local rural roads.”</i> Officer’s comments – AGREED</p>
<p>CHAPTER FIVE</p>
<p>The protection of a Safeguarding Zone around Southend Airport – FD63/03 Inspector’s recommendation <i>If Southend Airport is among those scheduled under the provisions of ODPM Circular 1/2003, the areas shown on the notified safeguarding maps be shown on the Proposals Map and the Policy above be included in the Plan.</i> Officer’s comments – Study of Annex 3 of the ODPM Circular 1/2003, shows that Southend Airport is included and therefore the changes identified are in line with policy. AGREED</p>
<p>Paragraphs 5.30 – 5.34, Policy TP5 – SD111/4, SD121/5, FD140/5 Inspector’s recommendation <i>That consideration be given to adding to the supporting paragraphs an explanation of the circumstances in which the second part of the Policy would apply.</i> Officer’s comments – An explanation will be written – AGREED</p>
<p>Paragraph 5.39, Policy TP7 – FD133/6 Inspector’s recommendation <i>That Policy TP7 and Paragraph 5.39, together with the heading “Access for people with impaired mobility”, be deleted.</i> Officer’s comments – AGREED</p>
<p>Paragraph 5.40, Policy TP8 - FD80/47, SD111/5, SD121/6, FD136/6 Inspector’s recommendation <i>That the second paragraph of Policy TP8 be changed to: “Developments that are likely to generate significant levels of traffic will be expected to provide or contribute towards sustainable transport alternatives to the private car in preference to the provision of on-site parking.”</i> Officer’s comments – AGREED</p>
<p>Paragraphs 5.41 – 5.43 Policy TP9 – SD78/5, SD95/19, SD135/6, FD151/4 Inspector’s recommendation <i>That Pre-Inquiry Change M28 be not made but that the entry in the Schedule of Car parking Standards be changed from: Schools - 1 space per 2 daytime teaching staff (Primary and Secondary Education) + 1 space per 15 students to: “Schools- 1 space per 2 staff (Higher and Further Education) + 1 space per 15 students (total number rather than full-time equivalent)”</i> Officer’s comments – AGREED</p>
<p>Paragraphs 5.44 – 5.52, Policies, TP10 – 12 (London Southend Airport) – FD14/19, FD104/2, FD42/1, FD81/5, FD63/1,2, FD137/7, FD66/1, FD149/6, FD140/6, FD148/5, FD150/5,6, FD187/2, FD183/2, SD80/73,89 Inspector’s recommendation <i>That Policy TP10 be reworded on the following lines: “Planning permission will be granted for development that will support the operation of London Southend Airport as a regional air transport and aircraft maintenance facility, including the full realisation of its potential for increases in passenger and</i></p>

freight traffic, subject to:

- (a) *There being no serious detriment to the local environment or nature conservation interests; and*
- (b) *It being shown that there are adequate access arrangements in place or proposed.*

Plans for future expansion and development will be required to include a satisfactory Surface Access Strategy.”

That further consideration be given to the representation of Policy TP10 on the Proposals Map to either define the area in which development under the Policy is to be permitted and/or to remove the Green Belt notation from the Policy area.

Officer’s comments – AGREED, to clarify the policy area shown on the proposals maps. No substantive changes are proposed to the Green belt boundary in the Local Plan and it is considered that the final version of the emerging East of England Plan will determine the requirements for a future review of the Green belt boundary in the district through the LDF.

CHAPTER SIX

Paragraphs 6.10 – 6.20, TABLES 6.1 –6.4 – FD135/3

Inspector’s recommendation

That a note be added (in brackets to Paragraph 6.13 or by footnote to Table 6.1) to clarify that some Wards are now different from those used in the Table.

Officer’s comments – AGREED

Policy LT2 – FD80/100

Inspector’s recommendation

That Policy LT2 be deleted, its substance added to the reasoned justification of Policy LT3.

Officer’s comments – AGREED

Policy LT3 (and Policy LT4 – deleted at Second Deposit) - FD133/101, FD70/8, FD121/6, FD80/7, FD133/8, FD135/3

Inspector’s recommendation

That in the opening sentence of Policy LT3 after “playing pitches” be inserted “including the provision of synthetic playing pitches”.

Officer’s comments – AGREED

Paragraphs 6.25 – 6.26, Policy LT4 - FD14/20,21, FD185/1

Inspector’s recommendation

That the reasoned justification of the Policy be rewritten to give a more positive and up-to-date account of the proposals for the country park.

Officer’s comments – AGREED

Paragraphs 6.28 – 6.29, Policies LT7 - PRIVATE OPEN SPACE and LT8 - SAFEGUARDING OPEN SPACE – SD32/24, FD78/2, FD133/3, FD143/4

Inspector’s recommendation

That the section be retitled “Protection of Open Space”.

That in Policy LT7

- (a) *“Consider the suitability of the loss ...” be deleted and in its place inserted “grant permission for development that would lead to ...”*

- (b) *The last sentence be deleted and in its place substituted “Where open space is lost the Council will, other than in exceptional circumstances, expect open space or recreational provision of equivalent value to be provided”.*

That Paragraph 6.27 be reworded on the lines of:

“There are a number of open spaces in the District that are privately owned and maintained or publicly owned but not generally available to the public, such as school playing fields and allotment sites. These often contribute to the character of settlements and form green links as well as providing for sports and recreation. Wherever possible these open spaces will be retained and protected from unnecessary development.”

Officer’s comments – AGREED

Paragraphs 6.30 – 6.31, Policies LT10 and LT11 – FD133/5,6

Inspector’s recommendation

That a further sentence be added to Paragraph 6.31 (after the first sentence) on the lines that:

“Where large new housing developments take place in areas where existing provision is deficient new or improved play space will be sought on the site or in the vicinity, or, failing that, contributions to the provision of play space for both younger and older children.”

Officer’s comments – AGREED

Paragraphs 6.34 – 6.37 – SD32/-, FD42/21, FD80/54, FD162/3

Inspector’s recommendation

That in Policy LT14, Criterion (i) “Ancient Landscapes” be changed to “Historic Landscapes”.

Officer’s comments – AGREED

Paragraph 6.45, Policy LT16 – FD129/15

Inspector’s recommendation

That Policy LT16 be rewritten generally as follows:

“Proposals for the after-use of mineral working for recreational purposes will be permitted if the following criteria are met;

- (a) The site is not in or adjacent to a Site of Special Scientific Interest or other designated nature conservation site;*
 - (b) No built structures, other than those directly related to providing for those using the facility, ie. toilets, changing rooms, etc. will be permitted;*
 - (c) Satisfactory provision is made for access and parking;*
- An ecological survey will be required to accompany applications and opportunities may be sought to create or enhance habitats for species listed in the Essex Biodiversity Action Plan.”*

Officer’s comments – AGREED

Policy LT18 – SD42/-, SD80/90, SD80/85, FD129/10, FD194/9

Inspector’s recommendation.

That in Policy LT18 “with less than 6 bedrooms” be omitted from the first sentence of the Policy.

Officer’s comments – AGREED

Paragraphs 6.55 and 6.56, Policy LT20 – SD80/91, FD137/6, FD149/5, FD150/7

Inspector’s recommendation

That Policy LT20 be deleted and in its place the following substituted:

“Proposals for new sites for touring caravans and tents will be permitted where the following criteria are met:

- (i) The scale and appearance of the development will have no serious*

<p><i>adverse effect on the historic environment, the character of the landscape or nature conservation interests;</i></p> <p>(ii) <i>No substantial new building is required;</i></p> <p>(iii) <i>The site is well located in relation to the road network and has suitable access;</i></p> <p>(iv) <i>An environmental survey is undertaken and an acceptable landscape plan is provided.</i></p> <p><i>In other instances the provision of new facilities for touring and transit caravans and tents will be limited to within the current extent of the Caravan Parks indicated on the Proposals Map when proposals will be required to include details of the measures to contain the highway and environmental impacts of the proposal on the site and its surroundings.”</i></p> <p>Officer’s comments – AGREED</p>
<p>Paragraphs 6.57 – 6.59, Policy LT21 – FD143/-, SD80/101, SD140/4</p> <p>Inspector’s recommendation</p> <p><i>That the opening phrase of Policy LT21 be changed to:</i> <i>“Proposals for sport and leisure facilities and activities likely to cause noise or disturbance will be permitted where there will be no serious adverse effects on.”</i></p> <p>Officer’s comments – AGREED</p>
<p>CHAPTER SEVEN</p>
<p>Historic environment chapter – planning objectives – B1 – FD104/22</p> <p>Inspector’s recommendation</p> <p><i>That Planning Objective B1 be reworded:</i> <i>“... and to ensure the retention of all listed buildings and Scheduled Ancient Monuments, other nationally important monuments and important archaeological sites and their settings.”</i></p> <p>Officer’s comments – AGREED</p>
<p>Paragraphs 7.4 – 7.7, Policy BC1 - FD62/5, FD80/57, FD104/8, FD137/10, FD145/3, FD150/4, FD180/21, FD196/16, FD149/9</p> <p>Inspector’s recommendation</p> <p><i>That a further paragraph be added to the reasoned justification of Policy BC1:-</i> <i>“Trees make an important contribution to the character of many Conservation Areas. Many are the subject of Tree Preservation Orders. Others are subject to protection under the provisions of the legislation and cannot be cut down, topped or lopped unless prior notice is given to the Council, when the making of a Tree Preservation Order will be considered. Development that would remove or damage significant trees or groups of trees may be refused unless there are adequate proposals for their replacement.”</i></p> <p>Officer’s comments – AGREED</p>
<p>Paragraphs 7.11 – 7.13, Policies BC3 & BC4 - FD62/7&8, FD80/77, FD104/8&10</p> <p>Inspector’s recommendation</p> <p><i>That in Policy BC4 “to the satisfaction of English Heritage” be omitted.</i></p> <p>Officer’s comments – AGREED</p>
<p>Paragraphs 7.14 – 7.18, Policies BC5 & BC6 – FD66/2,3,6,7, SD80/52&92, SD104/12</p> <p>Inspector’s recommendation</p> <p><i>That in Policy BC5 “or potential” be removed.</i></p>

Officer's comments – AGREED

CHAPTER EIGHT

<p>Paragraphs 8.9 & 8.10, Policy NR2 – SD32/39, FD80/93, FD129/5, FD147/1, SD205/4, FD89/12</p>

Inspector's recommendation

<p><i>That consideration be given to the way that the Ancient Woodlands referred to in this Policy are shown in the Plan, whether by their listing in the Plan or an appendix and/or by definition on the Proposals Map.</i></p>
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Officer's comments – AGREED

<p>Paragraphs 8.28, 8.29, Policy NR6 (First Deposit, deleted at Second Deposit) - SD80/94, SD42/61</p>
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Inspector's recommendation

<p><i>That Policy NR6 (First Deposit) be reinstated in the Plan with the addition after the second bracketed phrase of</i></p>
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<p><i>"... and where it cannot be ascertained that the proposals would not adversely affect the integrity of the site ..."</i></p>
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Officer's comments – AGREED

<p>Paragraphs 8.34, 8.35 (Policy NR7, First Deposit, deleted at Second Deposit) – FD42/-, SD42/61, FD61/-, FD73/1, FD129/97</p>

Inspector's recommendation

<p><i>That Policy NR7 (First Deposit) be reinstated in the Plan as follows:</i></p>

<p><i>"Proposals for development which is likely to have an adverse impact, either directly or indirectly, on a Site of Special Scientific Interest (SSSI) will not be permitted unless the justification for the development clearly outweighs the national nature conservation interest of the site.</i></p>
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<p><i>If there is risk of damage to a designated site from development the Local Planning Authority will endeavour to enter into a planning obligation with the developers to secure future site management or to make compensatory provision elsewhere for losses expected when development occurs."</i></p>

Officer's comments – AGREED

<p>Paragraphs 8.49 – 8.55, Policy NR9 – FD129/102-3, SD135/1, FD180/98</p>
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Inspector's recommendation

<p><i>That the Flood Risk Areas notified by the Environment Agency be shown on the Proposals Map.</i></p>

Officer's comments – AGREED

CHAPTER NINE

<p>Shopping, town centres and advertisements – general – FD141/2, FD178/1</p> <p>Inspector’s recommendation</p> <p><i>That consideration be given to adding to the Planning objectives the protection and enhancement of the vitality and viability of the shopping centres of the Plan area.</i></p> <p><i>That the town centres of Rayleigh, Hockley and Rochford be given definition, either by the drawing of appropriate town centre boundaries on the Proposals Map or by a written description in the Plan.</i></p> <p><i>That a New Policy be included:</i></p> <p>“DISTRICT AND LOCAL SHOPPING CENTRES AND SHOPS</p> <p><i>In the urban areas outside the town centres of Rayleigh, Hockley and Rochford new retail development will be permitted if:</i></p> <ul style="list-style-type: none"> <i>(i) The proposals is within or adjacent to an established local shopping centre;</i> <i>(ii) The proposal will serve an identifiable local need;</i> <i>(iii) It is of a size appropriate to the scale and character of the centre;</i> <i>(iv) It would not adversely affect the vitality and viability of the centre or other centres;</i> <i>(v) It would be readily accessible by public transport, bicycle or on foot.”</i> <p>Officer’s comments – AGREED</p>
<p>Paragraphs 9.1 – 9.6, Policy SAT1 - FD55/1, FD141/1, FD159/2, FD178/3, FD192/1</p> <p>Inspector’s recommendation</p> <p><i>That Policy SAT1 be changed to omit or correct “indicated on the Proposals Map” unless town centre boundaries for Rayleigh, Hockley and Rochford are to be shown on the Proposals Map. If such boundaries are not to be shown add to the Policy or include in the supporting Paragraphs a definition of what for the purposes of the Plan is considered to be the “town centre”.</i></p> <p>Officer’s comments – AGREED</p>
<p>Paragraphs 9.7 – 9.9, Policy SAT2 – FD80/66, FD136/8, FD140/9, FD178/2</p> <p>Inspector’s recommendation</p> <p><i>That in Policy SAT2 (ii) “LPSPG2” be omitted and “Policy TP9” be substituted.</i></p> <p>Officer’s comments – AGREED</p>
<p>Paragraphs 9.10 – 9.14, Policies SAT3 & SAT4</p> <p>Inspector’s recommendation</p> <p><i>That consideration be given to adding to Paragraph 9.11 (or at another appropriate place) an indication of the application of Policies SAT3 and SAT4, on the lines of:</i></p> <p><i>“In individual cases in which A2, A3, sui generis or B1 uses are proposed for ground floor locations in shopping frontages the Council will have regard to the appropriateness of the use and the uses already present in the frontage. In general, the Council would not permit in the Primary Shopping Frontages more than 30% to be occupied by non-A1 uses or three or more such uses to be established in adjacent shop type units. In Secondary Frontages this proportion should be 45% and the proposal not lead to or add to a concentration of non A1 uses in an individual frontage or parade.”</i></p> <p>Officer’s comments – AGREED</p>
<p>CHAPTER TEN</p>
<p>Paragraphs 10.2 – 10.5 – FD32/48, FD61/55, SD85/2</p> <p>Inspector’s recommendation</p> <p><i>10.6. That it be inserted at the beginning of Paragraph 10.5:-</i></p>

“Developers must consider the implications of their development on water supply and should consult with suppliers prior to submission. Developers must also include water efficiency and conservation in their schemes, in line with sustainable development principles.”

Officer’s comments – AGREED

Paragraphs 10.19 – 10.22, Policy UT3 – FD127/1,3-4, FD132/1,2, FD180/70

Inspector’s recommendation

That Policy UT3 be changed by the omission of:

“The development must not result in a significant level of visual impact and particular regard will be had to the cumulative impact of existing, planned or proposed renewable energy developments.”

Officer’s comments – AGREED

Paragraphs 10.23 – 10.30, Policy UT4 – FD28/1&2, SD80/97, FD121/5, FD137/6, FD149/2, FD150/2

Inspector’s recommendation

That the final paragraph of the Policy (added at Second Deposit) being changed as follows:

“Any technical or operational constraints faced by telecommunications operators and the details of the benefits of the development must be submitted to the LPA at the time of application.”

Officer’s comments – AGREED

Paragraphs 10.37 – 10.39 – FD78/4-6, SD95/21

Inspector’s recommendation

That a new Policy (with an appropriate reasoned justification) be added to the Plan (possibly in Chapter 2) generally as follows:

“The Council will seek planning obligations and the provision of related benefits in all types of development. Such obligations and benefits will be properly related to and appropriate to the locations, scale and nature of the development and local social and environmental needs.”

In Paragraph 10.37 omit the second sentence and in its place add:

“However, Policy (CS10) will permit the Council to ensure that when development takes place, if necessary, appropriate contributions are made towards new education provision. The LPA will provide Supplementary Planning Guidance on planning obligations and related benefits, prepared with public consultation and adopted for the purpose.”

Officer’s comments – AGREED, but with minor textual alterations to reflect the fact the Council has adopted Supplementary Planning Guidance to this effect.

8 NOTIFIABLE INSTALLATIONS – FD40/1 & 2, SD80/98

Inspector’s recommendation

That the Table of Notifiable Sites and Pipelines submitted by the Health and Safety Executive be included in the Plan following Paragraph 10.44.

Officer’s comments – AGREED

CHAPTER ELEVEN

Pollution – general - FD85/9, FD137/21, FD149/, FD150/

Inspector’s recommendation

That the following be added to Policy CS6, Chapter 1:

“e. Provides adequate space for the storage, recycling and collection of waste.”

<p>Officer's comments – AGREED</p> <p>Paragraphs 11.3 – 11.7, Policy PN2 - FD61/65</p> <p>Inspector's recommendation</p> <p><i>That Paragraph 11.3 be changed to refer to PPS23 and the objectives paragraph 18.</i></p> <p><i>That Paragraph 11.4 be changed to remove reference to PPG23.</i></p> <p>Officer's comments – AGREED</p>
<p>Paragraphs 11.21 – 11.23, Policy PN7 – FD137/75, FD149/74, FD150/76</p> <p>Inspector's recommendation</p> <p><i>That the final sentence of Policy PN7 be changed to read:</i></p> <p><i>“Schemes will be refused which adversely affect ...”</i></p> <p><i>That the following be added to Paragraph 4.29, Chapter 4:</i></p> <p><i>“The issue of light pollution is addressed by Policy PN7, Chapter 11.”</i></p> <p>Officer's comments – AGREED</p>
<p>CHAPTER TWELVE</p>
<p>Monitoring - general – FD80/74, FD85/78, FD144/8, FD154/77</p> <p>Inspector's recommendation</p> <p><i>That the following be added to Paragraph 12.6 (after the first sentence or at another appropriate place):</i></p> <p><i>“Indicators and targets have been prepared, and will be published, to monitor whether the key policies are achieving the aims of the Plan.”</i></p> <p>Officer's comments – AGREED</p>
<p>PROPOSALS MAPS</p>
<p>Proposals maps - FD14/24, FD30/1,3, FD32/1,45, FD40/1, FD42/3,11-20,44, FD70/10, SD80/104, FD95/3, FD104/14, FD109/1, FD129/25, FD137/4, FD147/3, FD149/2, FD150/2, FD153/2, FD155/1, FD156/2, FD157/2, FD170/2, FD171/1, FD173/2,3, FD175/1, FD180/3,16, FD196/14, FD158/2, FD197/2,FD200/2, SD212/1</p> <p>Inspector's recommendation</p> <p><i>That the following corrections or additions be made to the Proposals Map:</i></p> <ul style="list-style-type: none"> (a) <i>Flood Risk areas as notified by the Environment Agency be added;</i> (b) <i>The boundaries of Wildlife Sites be corrected where necessary;</i> (c) <i>The Town Centres of the Rayleigh, Hockley and Rochford (Policy SAT1) be defined on the Proposals Map;</i> (d) <i>The boundaries of the Rural Settlement Areas (Policy R2) be defined on the Proposals Map;</i> (e) <i>Better definition be given to the intentions of Policy TP10;</i> (f) <i>That consideration be given to showing Ancient Woodlands;</i> (g) <i>The boundary of the Green Belt/Public Open Space be corrected adjacent to 62, Park Gardens, Hawkwell.</i> (h) <i>That other drafting errors, such as that relating to land off Lower Road, Hullbridge be corrected.</i> <p>Officer's comments – AGREED</p>

MODIFICATIONS PROPOSED BY THE COUNCIL AT THE INQUIRY STAGE

CHAPTER FOUR	
Box 1 in the employment chapter, should be renumbered Box 4.1.	
The text between tables 4.1 and 4.2 should not have a paragraph number.	
Paragraphs 4.20 to 4.39 should have their numbering increased by one.	
Paragraph 4.29 from the first deposit draft was removed erroneously. However, as PPG1 has been replaced by PPS1, there is no need to restore it. For the sake of correctness therefore:	
4.29	The Government's approach to design is laid out in PPG1, paragraphs 13 to 20 and Annex A. It is clear from the guidance that developers must provide an appropriate standard of design statement for the type of development they are proposing. The Council therefore will require applications for major developments as specified in paragraph 4.27 to be accompanied by a design statement. Applications for development which does not meet the size criteria laid out in 4.27 may still require a design statement, especially if the development is in, or affects, a sensitive site or location. The Council has prepared supplementary planning guidance (SPG8) on Design Statements, to give further advice on this issue.
Under the title SITE SPECIFIC POLICIES in chapter 4, it should state:	
BALTIC WHARF, & THE ESSEX MARINA <u>& STAMBRIDGE MILLS</u>	