
NEW LOCAL PLAN: LOCAL DEVELOPMENT SCHEME 2018 - 2021

1 PURPOSE OF REPORT

- 1.1 The Council is required to prepare and keep up to date its timetable for preparing any emerging statutory planning policy documents. The most recent Local Development Scheme (LDS) was adopted by the Council in July 2018 and reflected revisions to the timetable for the Rochford District New Local Plan and the South Essex Joint Strategic Plan (JSP). A further revised LDS has now been prepared to reflect a decision made by Council on 30 October 2018 to prioritise the preparation of a separate Gypsy and Traveller Issues Paper. The revised LDS to which this report relates contains a timetable for the preparation of this Issues Paper.

2 INTRODUCTION

- 2.1 The preparation of the LDS is a statutory requirement¹. It sets out a timetable for any emerging statutory planning policy documents that the Council intends to prepare which will comprise the Local Plan for an area. The LDS enables residents, infrastructure providers, neighbouring Councils and other interested parties to keep track of our progress.

Local Development Scheme: Rochford District New Local Plan

- 2.2 The Council has been working on an early review of its adopted local development plan, which will take the form of a new Local Plan in line with relevant planning legislation, national policy and guidance. This review commenced with a Call for Sites in 2015. A number of key technical studies have been prepared since then – both at the local level and jointly with our neighbours at the sub-regional level – to provide up to date evidence and inform plan-making. This includes topics such as environmental capacity, transport, and housing, retail and employment needs, as well as land availability.
- 2.3 The Council is committed to proactively planning for its area to ensure that an appropriate plan is in place to provide certainty for local communities. Officers have been actively engaging with local communities to seek their views on the first stage of the new Local Plan, the Issues and Options Document, which was consulted on between 13 December 2017 and 7 March 2018. All comments are available to view on the Council's online consultation system.²

¹ [Section 15 of the Planning and Compulsory Purchase Act 2004](#), as amended by the Localism Act 2011

² www.rochford.jdi-consult.net/localplan/readdoc.php?docid=201

- 2.4 A feedback report summarising the outcomes of this consultation will be considered as part of a separate Agenda item at this meeting of the Planning Policy Sub-Committee.
- 2.5 A revision to the Council's Local Development Scheme is necessary to reflect a decision made at the 30 October 2018 meeting of Council to prioritise the preparation of a Gypsy and Traveller Issues Paper, ahead of the 'Preferred Options' draft of the New Local Plan.
- 2.6 This Issues Paper is considered to be a prudent step in effectively meeting the needs of the Gypsy and Traveller community in the District. This Paper considers the current policy situation and its implementation, and seeks to refine the options for future policy. This Issues Paper will be considered as part of a separate Agenda item at this meeting of the Planning Policy Sub-Committee with a recommendation to publicly consult in due course.
- 2.7 Whilst not considered by Council at this stage, the Local Development Scheme has also been revised to reflect a possible timetable for the preparation of 'Preferred Options' and Final Submission versions of a Gypsy and Traveller Accommodation Development Plan Document (DPD), should the Council consider it prudent to prepare a separate DPD on an accelerated timescale relative to the new Local Plan.
- 2.8 Timetables for the New Local Plan, Community Infrastructure Level (CIL) and South Essex Joint Strategic Plan are unchanged from the LDS adopted by the Council in July 2018.

3 RISK IMPLICATIONS

- 3.1 The Ministry for Housing, Communities and Local Government (MHCLG) is taking a keener interest in the progress of Local Planning Authorities in preparing their Local Plans since the publication of the NPPF in 2012. Three South Essex authorities are being closely monitored by the Government to ensure that they accelerate their plan-making functions, as they have failed to consistently deliver and adopt an appropriate strategy to plan for the future of their areas.
- 3.2 MHCLG is likely to use the Council's published LDS as a tool to monitor future performance, given the Government's intention to speed up the planning process through the measures indicated within the emerging NPPF.
- 3.3 Publication of an up to date LDS is a statutory requirement for the Council. It is important that the LDS is updated to reflect current progress on the preparation of the new Local Plan, commitment to joint working to satisfy the Duty to Co-operate and that any monitoring undertaken by DCLG is based on the Council's current position.

4 ENVIRONMENTAL IMPLICATIONS

- 4.1 The delivery of a robust local planning framework will set out an appropriate strategy for the use of land in the district; including the enhancement and protection of sites designated for their local and national nature conservation interests, and historic assets.

5 RESOURCE IMPLICATIONS

- 5.1 The approval of the draft LDS 2018-2021 provides a framework for how the Council will prepare the new Local Plan, Gypsy and Traveller Issues Paper and a CIL charging schedule. The anticipated costs of delivering these are to be met from investments in the existing budget provision.
- 5.2 To support the delivery of a Joint Strategic Plan for South Essex, the six South Essex authorities and Essex County Council successfully bid for £871,000 from the Government through the Planning Delivery Fund (announced in the housing White Paper). It is anticipated that there will be further opportunities to bid for monetary support from the Planning Delivery Fund. However, should the bid be unsuccessful, provision may need to be made from within existing budget provisions to continue to support its delivery, given the Secretary of State's discretion to use his intervention powers to accelerate plan-making.
- 5.3 Enabling a robust local planning framework will facilitate delivery of sustainable growth in the district. The planning system directly contributes income to the Council through Section 106 agreements, CIL (with the intention to bring this forward alongside the new Local Plan) and the New Homes Bonus to enable infrastructure and service delivery district-wide.

6 LEGAL IMPLICATIONS

- 6.1 Under section 15 of the Planning and Compulsory Purchase Act 2004, as amended, the Council is required to prepare and maintain its LDS. The LDS sets out the emerging planning policy documents that the Council is going to prepare to set out a clear and appropriate future strategy for the area.
- 6.2 The Council is required to prepare these documents under Section 17(3) of the Planning and Compulsory Purchase Act 2004 in order to set out its policies relating to the development and use of land in its area. Section 13 of this Act requires the Council to keep under review matters which may affect the development of its area. Section 17(6) of the Act also requires the Council to keep under review its planning policy documents in light of any review of its policies.
- 6.3 Other sections of the Planning and Compulsory Purchase Act 2004, and Town and Country Planning (Local Planning) (England) Regulations 2012 provide the legal basis for the current plan-making system. These are

supported by the National Planning Policy Framework (NPPF) and the Planning Practice Guidance (PPG).

- 6.4 The Secretary of State has powers to intervene in plan-making under Section 27 of Planning and Compulsory Purchase Act 2004 where he considers a Council to be failing or omitting to do anything necessary in connection with the preparation, revision or adoption of a planning policy document.

7 EQUALITY AND DIVERSITY IMPLICATIONS

- 7.1 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.

8 RECOMMENDATION

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

That the draft Local Development Scheme 2018-2021, attached at Appendix A, be adopted.



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Background Papers:-

None.

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Rochford District Council
Draft Local Development
Scheme 2018-2021
Planning Policy Sub-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, the most recent of which was July 2018. This revised LDS covers 2018 to 2021, 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. It is intended that these addendums will be consulted on in Spring 2019.

3 Proposed Planning Policy Documents

- 3.1 The Council is looking to prepare two planning documents; a new Local Plan and Community Infrastructure Levy (CIL) Charging Schedule.

New Local Plan

- 3.2 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.
- 3.3 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.
- 3.4 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.
- 3.5 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.
- 3.6 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.

- 3.7 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
Preferred Options Document public consultation (Regulation 18)	October / November 2019
Proposed Pre-Submission Document public consultation (Regulation 19)	October / November 2020
Submission to Secretary of State for independent examination (Regulation 22)	Winter 2020
Examination hearings	Spring 2021
Inspector’s Report expected	Summer 2021
Adoption by Full Council	Summer 2021

- 3.8 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.

Community Infrastructure Levy (CIL) Charging Schedule

- 3.9 The Council intends to produce a Community Infrastructure Levy (CIL) which will detail a schedule of charges to be paid by developers to contribute towards the implementation of infrastructure. The CIL will set a charge per square metre of new floorspace which will be levied on new development across the District, where applicable. As with the new Local Plan there is a requirement for consultation and independent examination of the CIL.
- 3.10 Taking into account the current CIL Regulations, the Levy would be inherently linked to the preparation of the new Local Plan and will be supported by a robust evidence base, in particular a Viability Assessment to determine what can be charged; as well as an Infrastructure Funding Gap Assessment to identify the funding gap for the delivery of necessary infrastructure. As such it is anticipated that the preparation of the CIL will, for the most part, run alongside the new Local Plan. The timetable for the CIL is set out below:

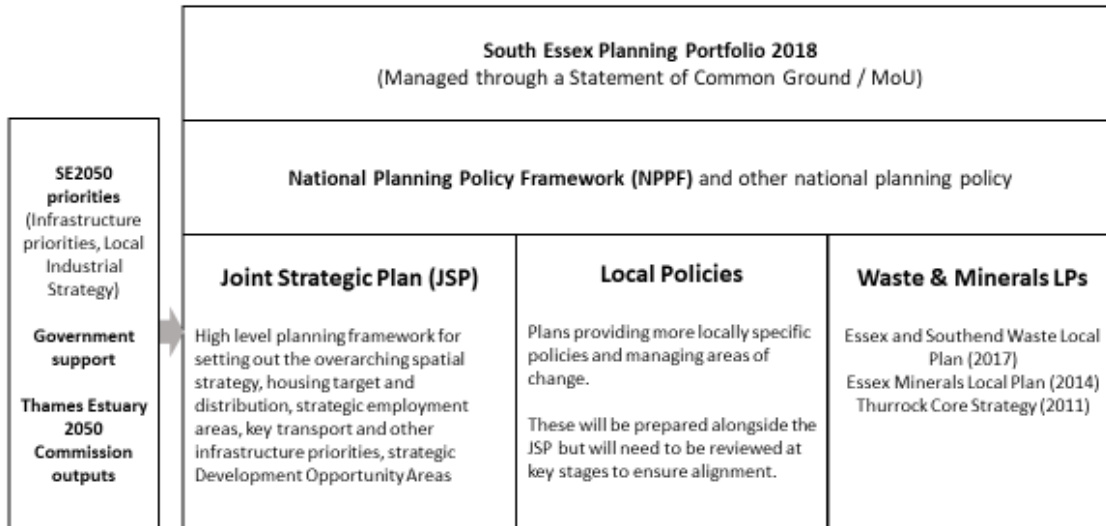
Stage	Target Date
Evidence base preparation	2018/2019
Preliminary Draft Charging Schedule public consultation	Summer / Autumn 2019
Draft Charging Schedule public consultation	Summer / Autumn 2020
Submission to Secretary of State for independent examination	Winter 2020
Examination hearings	Spring 2021

Stage	Target Date
Inspector's Report expected	Summer 2021
Adoption by Full Council	Summer 2021

- 3.11 The timetable for the preparation of the CIL will be refined further as the document is progressed, and will need to take account of any changes at the national policy level or new regulations as these emerge.

South Essex Joint Strategic Plan

- 3.12 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.
- 3.13 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. It will set out the overarching spatial strategy for the sub-region, a target and distribution of new homes and jobs, strategic development opportunities and key transport and other infrastructure priorities to support growth. It is set to deliver a minimum of 90,000 new homes and 52,000 new jobs by 2038 (based on available evidence as of June 2018), and once adopted it will form part of the local development plan for the District.
- 3.14 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.
- 3.15 The relationship between Rochford District's new Local Plan and the Joint Strategic Plan is illustrated in the diagram below:



3.16 The timetable for the Joint Strategic Plan is set out below:

Stage	Target Date
Spatial strategy options, including preferred option (Regulation 18)	Spring 2019
Final Pre-Submission Draft (Regulation 19)	December 2019
Submission to Secretary of State for independent examination (Regulation 22)	March 2020
Adoption	Autumn 2020

Gypsy and Traveller Accommodation

3.17 In October 2018, the Council decided to prioritise the preparation of a separate Gypsy and Traveller ‘Issues Paper’ which specifically considers the current and future accommodation needs of Gypsy and Traveller households within the District. This was considered prudent given that the Council’s existing allocation for Gypsy and Traveller accommodation (Policy GT1 – Michelins Farm) has not been delivered. The Council considers the preparation of an Issues Paper to be a suitable and pro-active step in identifying an appropriate supply of pitches in accordance with national policy.

3.18 This Issues Paper will be subject to public consultation in accordance with Regulation 18 of the Local Planning Regulations 2012, and the Council’s adopted Statement of Community Involvement (SCI).

3.19 The Council intends to use the findings of the Issues Paper consultation to shape and inform the Preferred Options draft of the New Local Plan. Following consultation on the Issues Paper, the Council may consider the prudence of developing a separate Gypsy and Traveller Accommodation Development Plan Document (DPD) to help

meet the needs of the Gypsy and Traveller community on an accelerated timescale, relative to the New Local Plan. The table below provides a timetable for the preparation of the Issues Paper, and any DPD should it be prioritised by the Council. The timetable for the New Local Plan is provided on Page 6.

Stage	Target Date
Issues Paper public consultation (Regulation 18)	Spring 2019
Preferred Options public consultation (Regulation 18)**	Summer 2019
Final Pre-Submission Draft public consultation (Regulation 19) **	Winter 2019
Submission to Secretary of State for independent examination (Regulation 22)**	Spring 2020
Adoption **	Summer 2020

** If the Council decides to prepare a separate Gypsy and Traveller Accommodation Development Plan Document (DPD)

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 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. It is expected that the RAMS SPD will be adopted by April 2019, and will be integrated into the Council's new Local Plan..

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 the new Local Plan, CIL Charging Schedule and the Joint Strategic Plan for South Essex. 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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