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## **ADOPTION OF THE DEVELOPMENT MANAGEMENT PLAN**

### **1 SUMMARY**

- 1.1 This report seeks Members' approval to adopt the Development Management Plan (see Appendix 1 which has been circulated under separate covering letter) as a Development Plan Document forming part of the Development Plan for Rochford District.
- 1.2 Once adopted the Development Management Plan (DMP) will form part of the Development Plan (alongside other Development Plan Documents, including the Rochford Core Strategy and Allocations Plan). Under Section 38(6) of the Planning and Compulsory Purchase Act 2004 applications for planning permission must be taken in accordance with the Development Plan, unless there are material considerations that indicate otherwise.

### **2 INTRODUCTION AND BACKGROUND**

- 2.1 The purpose of the Development Management Plan is to deliver key aspects of the Core Strategy through setting out the detailed day-to-day planning policies which planning applications will be determined against, such as design considerations and parking standards. The policies in the Development Management Plan will supersede the remaining extant policies in the Replacement Local Plan 2006 and will form part of the Council's Development Plan alongside the Core Strategy and the Allocations Plan.
- 2.2 The Development Management Plan will also aid the delivery of national, regional and other local strategies such as the Council's Corporate Plan. It should be noted that the Development Management Plan does not propose different land uses; land use is dealt with in the Core Strategy and Allocations Plan.

### **3 PREPARATION OF THE PLAN**

- 3.1 The preparation of the Development Management Plan is an iterative process involving several stages of production.
- 3.2 The initial stage (the Discussion and Consultation Document) was prepared for community involvement in early 2010. This document set out a range of development management issues not addressed within the Core Strategy, and a range of alternative options, where appropriate. A wide range of stakeholders, including residents, Town and Parish Councils, developers, agents, landowners, Essex County Council and neighbouring Councils were invited to comment on this document between 17 March and 30 April 2010.
- 3.3 The second, informal, stage in the preparation of the DMP (the Preferred Policy Options Document) was prepared in December 2011 for community involvement. This document set out the Council's preferred, detailed approach to themes addressed taking into account consultation responses received

during the initial consultation stage. Stakeholders were consulted on the Preferred Policy Options Document from 16 January to 27 February 2012.

- 3.4 Results from the initial, formal, and the second, informal, consultation stages and Sustainability Appraisal (considered later in this report), as well as other background documents, informed the preparation of the next stage, the Submission Document. The Submission Document identified the detailed development management policies, as opposed to options, that the Council considered to be the most appropriate and sustainable for determining planning applications.
- 3.5 This document was approved for pre-submission consultation prior to submission to the Government for independent examination by Members at a meeting of Full Council on 23 April 2013. A wide range of stakeholders were invited to comment on the proposed policies for a six week period between 3 June and 18 July 2013. A total of 94 representations were made at this stage by 17 different respondents in relation to the soundness of the Plan. The Plan was subsequently submitted to the Government on 13 December 2013 for examination.

#### **4 THE ROLE OF SUSTAINABILITY APPRAISAL**

- 4.1 Sustainability Appraisal is an important part of the plan making process. It assesses the environmental, economic and social implications of policies and options in the production of plans. The Sustainability Appraisal forms part of the evidence base for the development of the Development Management Plan and has been used, alongside other evidence, to aid decision-making.
- 4.2 A draft Sustainability Appraisal was undertaken for the Discussion and Consultation Document. Comments were invited on this document from 16 January to 27 February 2012. The comments from this consultation have been included within the final Sustainability Appraisal for the Development Management Plan. This further iteration of the Sustainability Appraisal accompanies the Submission Document, and comments were invited on this between 3 June and 18 July 2013.
- 4.3 Overall, the Sustainability Appraisal found that there would be significant sustainability benefits in adopting the plan as proposed.
- 4.4 An addendum to the Sustainability Appraisal was produced that considered the impact of the Schedule of Modifications (considered later in the report). The SA Addendum of the Schedule of Modifications to the Development Management Submission Document found that, overall, the proposed modifications would still have positive sustainability benefits.
- 4.5 The Sustainability Appraisal (Non-technical summary) of the Development Management Submission Document is provided as Appendix 2 (circulated under separate covering letter). The Sustainability Appraisal of the Schedule

of Modifications is provided as Appendix 3 (circulated under separate covering letter).

## **5 EXAMINATION AND THE INSPECTOR'S REPORT**

- 5.1 Following pre-submission consultation, the Plan was submitted – together with the results of the consultation and other evidence – on 13 December 2013 to the Secretary of State for examination by an independent Planning Inspector.
- 5.2 The Council may only adopt the Plan if the Inspector conducting the examination recommends adoption.
- 5.3 A public examination of the plan took place on 26 March 2014. Following this, the Inspector prepared an interim report into the soundness of the Development Management Plan, which included a number of suggested modifications.
- 5.4 A Schedule of Modifications to the DMP was prepared in response to the Inspector's interim report, and agreed by the Portfolio Holder for Planning on 16 July 2014 to be subjected to public consultation as part of the examination process, with the results submitted to the Planning Inspector for his consideration.
- 5.5 The Planning Inspector has issued his report (see Appendix 4 which has been circulated under separate covering letter) on the soundness of the Development Management Plan. This report states that the DMP is sound, subject to the modifications proposed, meaning that following the examination and consideration of all the evidence, the plan has been found to be:
- Positively prepared (its meets objectively assessed development and infrastructure requirements);
  - Justified (the plan is informed by evidence and is the most appropriate strategy when considered against the reasonable alternatives);
  - Effective (the plan is deliverable over its period and based on effective joint working on cross-boundary strategic priorities);
  - Consistent with national policy (the plan will enable the delivery of sustainable development in accordance with the policies in the National Planning Policy Framework).
- 5.6 As such, the Council may adopt the Development Management with the proposed modifications.

## **6 ADOPTION**

- 6.1 Once adopted the Development Management Plan will form part of the Development Plan (alongside other Development Plan Documents, including

the Core Strategy and Allocations Plan). Under Section 38(6) of the Planning and Compulsory Purchase Act 2004 applications for planning permission must be taken in accordance with the development plan, unless there are material considerations that indicate otherwise.

- 6.2 Any person who is aggrieved by the decision of the Council to adopt the Plan may make an application to the High Court under Section 113 of the Planning and Compulsory Purchase Act 2004 on the ground that:
- (a) the document is not within the appropriate power;
  - (b) a procedural requirement has not been complied with.
- 6.3 Any application to the High Court must be made not later than six weeks from the date of adoption.
- 6.4 Adoption of the Development Management Plan would supersede the remaining extant policies in the 2006 Replacement Local Plan.

## **7 RISK IMPLICATIONS**

- 7.1 Failure to have a Development Management Plan in place would mean that planning applications would continue to be assessed against the extant policies in the 2006 Replacement Local Plan. However, where these extant policies are out of date or silent on particular issues, the Council would be reliant to a great extent on the National Planning Policy Framework to make decisions, as opposed to policies that reflect local aspirations. This could mean that developments are approved which are not in the best interest of the District, for example in terms of the size of extensions to residential properties in the Green Belt, the treatment of applications for green tourism and rural diversification, provision of Sustainable Drainage Systems (SUDs) and conversion of village/neighbourhood shops.

## **8 ENVIRONMENTAL IMPLICATIONS**

- 8.1 The Development Management Plan will have an impact on the District's environment, as outlined within the document itself.
- 8.2 The Development Management Plan has been subject to sustainability appraisal which, in addition to social and economic impacts, considers the impact of the proposed modifications on environmental objectives.

## **9 RECOMMENDATION**

- 9.1 It is proposed that Council **RESOLVES** to adopt the Development Management Plan as a Development Plan Document.



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**Background Papers:-**

None.

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