
FUTURE OF THE ROCHFORD DISTRICT LOCAL PLAN

1 SUMMARY

- 1.1 This report seeks Members' views on the arrangements for completing work on the Rochford District Replacement Local Plan and the preparation of the new Local Development Framework.

2 INTRODUCTION

- 2.1 The Rochford District Replacement Local Plan has reached the Second Deposit stage (subject to printing, the plan will be published in late April or early May) and, given the progress of the Planning and Compulsory Purchase Bill through Parliament, it is now appropriate to consider the way forward to bring together the contents of the emerging Local Plan with the new Local Development Framework.

3 LOCAL PLAN – REMAINING STAGES

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

4 LOCAL DEVELOPMENT FRAMEWORK

- 4.1 The Planning and Compulsory Purchase Bill is proceeding through Parliament, and it is anticipated that the Bill will become law in mid-2004. The enactment of the Bill triggers the need for certain actions by local Planning Authorities.
- 4.2 In the first instance, Planning Authorities must prepare and publish a Local Development Scheme (LDS), which is a detailed timetable for the preparation of their new Local Development Framework. The LDS must be in place within six months of the Bill becoming law, that is towards the end of 2004.
- 4.3 In fact, a draft LDS was considered and approved by this Committee on 11 February 2004. The LDS is important since it sets the scene for the preparation of the various Local Development Documents (LDDs) and Supplementary Planning Documents (SPDs) that make up the Local Development Framework.
- 4.4 The Local Development Framework must be prepared and completed within three years of the Planning Bill becoming law.

5 DISCUSSION

- 5.1 It will be apparent to Members that the timescale for preparing the new Local Development Framework is very tight indeed. The new Rochford LDF will need to take into account the contents of the Regional Planning Guidance (RPG) for the East of England that has recently been submitted to the Deputy Prime Minister by the East of England Regional Assembly. The plan period for the RPG is 2001-2021. Therefore the end date for the new LDF will also be 2021, and the new plan will need to incorporate the specified requirements for, in particular, housing and employment land.
- 5.2 On the other hand, the Rochford District Replacement Local Plan has an end date of 2011 and clearly takes no account of any longer term housing or employment land requirements in the District.
- 5.3 The period for the preparation of the LDF will be mid 2004 to mid 2007. There will then be a significant overlap between the continuing preparation of the Replacement Local Plan and the work on the LDF. Indeed, it is apparent that about half of the period available for the preparation of the LDF will also be occupied by work on the Local Plan.
- 5.4 In addition to a resource issue relating to staff time, it is also the case that a substantial financial resource will be required to continue work on the Replacement Local Plan; the Authority must pay all the costs relating to the running of the Local Inquiry, in particular, and these are likely to be substantial given the range of objections that have been received to the plan.
- 5.5 Each LDD that is prepared as part of the LDF will also need to be subject to a Local Inquiry (subject to the objections received) and these will need to be carefully programmed through the period of plan preparation.
- 5.6 The Government has provided for transitional arrangements to enable existing Local Plans to continue in operation for a period of time, depending on the stage reached by the time the Bill is enacted. However, given the costs associated with a Local Inquiry, and the resource implications of continuing to prepare a Local Plan alongside the new LDF, it is considered that the best arrangement may be to cease work on the Local Plan following the assessment of the representations received to the Second deposit and to transfer resources into the early preparation of the new LDF.
- 5.7 This arrangement would inevitably mean that the District would be without up-to-date plan coverage for a little longer than might be anticipated. On the other hand, the existing adopted Local Plan still provides a robust framework for development control decisions as borne out by recent appeal decisions. In addition, policies and proposals included in the Second Deposit Local Plan that are not subject to objection will have a significant status as material considerations in development control decisions and any resultant appeals.

- 5.8 If Members decided to call a halt to the preparation of the Replacement Local Plan, it is proposed that the representations to the Second Deposit be fully assessed and that a detailed statement be prepared setting out the status of the emerging policies and their relationship to the adopted Local Plan and the new LDF. Such a position statement would then send a clear message and provide a robust framework for development control during the period for the preparation of the LDF documents.

6 RISK IMPLICATIONS

6.1 Strategic Risk

There is an element of risk associated with the transition between the Local Plan and the Local Development Framework. It is essential that a robust and defensible position is maintained in respect of the key development control policies. On the other hand, whilst developers might see an opportunity to seek approval for ad hoc development proposals, there is absolutely no doubt that any such proposals can be robustly defended.

6.2 Operational Risk

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

7 RESOURCE IMPLICATIONS

- 7.1 The costs associated with running a Local Plan Inquiry can be substantial, since the Planning Authority must pay all costs, including the costs of 'hiring' the Inspector. It is estimated that a Local Plan inquiry would cost in the region of £75,000 to £100,000.
- 7.2 The Planning Delivery Grant for 2004/05 has yet to be announced, but clearly any additional funding from Government would provide additional resources for the delivery of the planning service, including the preparation of the LDF.

8 LEGAL IMPLICATIONS

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

9 RECOMMENDATION

- 9.1 It is proposed that the Committee **RECOMMENDS**

(1) That work on the preparation of the Rochford District Replacement Local Plan ends following the completion of the Second Deposit stage.

- (2) That work on the preparation of the Rochford Local Development Framework commences in accordance with the agreed LDS timetable.
- (3) That a detailed statement on the transition arrangements be prepared and reported to this Committee prior to the summer recess.

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Background Papers:

None.

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