

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 on 17 November 2017 prior to the publication of the Issues and Options Document for consultation. Following this consultation period, the LDS has been reviewed and updated to ensure that it continues to provide a realistic timetable for the delivery of the Council's statutory plan-making functions and responsibilities under the Duty to Co-operate.

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.

LDS timetable: 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 system².

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

² <https://rochford.jdi-consult.net/localplan/readdoc.php?docid=201>

A consultation report on the outcomes of the consultation is expected to be reported to the Planning Policy Sub-Committee in due course.

- 2.4 Due to a number of factors, including resourcing matters and delay in the preparation of some technical studies and community engagement, there has been a revision to this timetable. As set out in the draft LDS 2018-2021 (Appendix A), it is now anticipated that the Preferred Options Document will be published for consultation in summer/autumn 2019, subject to Council approval. The Council also needs to be mindful of changes to the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) which are expected to come into force later in 2018, following a period of consultation earlier in the year. This has subsequently impacted on the delivery of a Community Infrastructure Levy (CIL) Charging Schedule.

LDS Timetable: South Essex Joint Strategic Plan

- 2.5 Under the Duty to Co-operate³ the Council has a legal duty to engage constructively, actively and on an ongoing basis with certain bodies on strategic cross-boundary issues. The South Essex authorities have a long history of working together on such issues, particularly on developing a sub-regional technical evidence base, and have more recently signed a Memorandum of Understanding⁴ for South Essex. The MoU, dated 10 January 2018, set out the intention to establish an Association of South Essex Local Authorities (ASELA) and the principles for joint working.
- 2.6 The Council continues to fully engage with other South Essex authorities to address the requirements of the Duty to Co-operate. There is a clear and recognised need for a more co-ordinated approach to strategic planning across the sub-region to address the key challenges in relation to providing homes, jobs and the necessary strategic and local infrastructure to support these. This has resulted in an agreement to prepare a Joint Strategic Plan for South-Essex. A Statement of Common Ground for South Essex is being presented to Council on 17 July 2018.
- 2.7 15 Councils across the country received intervention letters from the Ministry of Housing, Communities and Local Government (MHCLG)⁵, as they have persistently failed to adopt an up-to-date Local Plan for their areas. Three Councils in South Essex (Basildon, Brentwood and Castle Point) received these letters. Given that Basildon and Brentwood had made some plan-making progress between November 2017 and March 2018, the Secretary of State concluded that he would continue to closely monitor their progress, hold

³ [Section 110 of the Localism Act 2011, amends the Planning and Compulsory Purchase Act 2004](#)

⁴ [South Essex 2050 Memorandum of Understanding 2018](#)

⁵ <https://www.gov.uk/government/publications/local-plan-intervention-letters-to-councils>

them to account and will use his delegated powers to ensure a plan is in place in a timely manner.

- 2.8 However, in the Secretary of State's March 2018 letter to Castle Point Borough Council, he has decided to continue with the intervention process and has advised that:-

"This will involve a team of experts, led by the Chief Planner, providing me with further advice on next steps. My officials will be in contact with your officers to discuss the next steps.

My officials will also begin formal discussions on the options of inviting Essex County Council to prepare a Local Plan for Castle Point and with the neighbouring authorities on the possibility of directing an accelerated Joint Plan, as part of considering whether to use my statutory powers and if so which ones."

- 2.9 It is important therefore that the Council continues to work jointly and proactively with other authorities in South Essex to address cross-boundary issues. A timetable to deliver a Joint Strategic Plan has been included in the draft LDS 2018-2021 (Appendix A).

3 RISK IMPLICATIONS

- 3.1 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, and accompanying CIL. 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 to 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. He may prepare or revise a plan or direct that the Council or another do so.

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 LDS 2018-2021, attached at Appendix A, be adopted.



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Background Papers:-

None.

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