

## EXAMINATION OF RAYLEIGH AREA ACTION PLAN SUBMISSION DOCUMENT

### INSPECTOR'S PRELIMINARY OBSERVATIONS TO THE COUNCIL

Arising from my perusal of the Area Action Plan, the supporting documents and representations there is a preliminary matter I wish to raise. The Council produced a Submission Document in November 2013 (SUBDOC2) and a post pre-submission consultation version in December 2014 (SUBDOC1). What needs to be clarified is which of these two versions should properly be the subject of the examination.

The Planning Inspectorate's document *Examining Local Plans: Procedural Practice* (December 2013) deals with this question in paragraph 2.3 and refers to an "addendum of focussed changes". Although not described in this way I take this to equate to the schedule of modifications following consultation at Appendix 8 of the Consultation Statement (SUBDOC6). Whilst these changes do not appear to alter the strategy of the Plan they have not been the subject of further consultation or of sustainability appraisal. If they were to fall under the heading of "additional modifications" in section 23 of the Planning and Compulsory Purchase Act 2004 then the amendments proposed would be for the Council and would not be a matter for examination. In that event, it would be simplest to base the examination on the December 2014 version.

However, my concern is that the changes to Figure 8 and to the details of environmental improvements/highway schemes in Appendix 2 are matters that do materially affect the policies in the Plan. As such, they would fall into the category of Main Modifications. If this is the case then the examination should be based on the November 2013 Plan as otherwise representors or potential representors would be denied the opportunity to comment formally on these modifications. Therefore, although the Council's intentions may have moved on, my initial view is that in order to adhere to relevant procedural requirements the 'starting point' for the examination should be the original submission document.

If the Council wishes to make any response in relation to the matters set out above then I would be pleased to receive them. I will give these consideration before finalising the approach to be taken in due course. Any such observations should be received by **Friday 9 January** unless the Council advises that this deadline cannot be met owing to the holiday season.

In any event, the schedule in Appendix 8 should be published as a separate document as soon as possible in order that representors and other interested parties are made fully aware of the Council's position.

*David Smith*

INSPECTOR

23 December 2014