

EXAMINATION OF THE RAYLEIGH AREA ACTION PLAN

Please reply to the Programme Officer Kerry Freeman
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Mr L Waterston
Senior Planner
Rochford District Council

6 March 2015

Dear Mr Waterston

MODIFICATIONS TO THE RAYLEIGH AREA ACTION PLAN

1. As indicated at the hearing on 4 March 2015 and as confirmed by the subsequent Note the purpose of this letter is to confirm my interim views on the further modifications needed to the Plan in order to make it sound and to achieve legal compliance. However, it is ultimately a matter for the Council as to whether or how they wish to modify the Plan and to review the options that might be open to it.
2. The detailed reasons for my conclusions will be given in the final report which will be produced following consultation on the proposed main modifications. Nevertheless, in order to assist in the understanding of the need for modifications in the light of the criteria for soundness, I shall briefly explain my findings and confirm the discussion at the hearing.
3. In the order raised at the hearing the matters identified where further attention is required are as follows:
 - The Habitats Regulation Assessment of December 2013 refers in its conclusions to Hockley. The Council should produce and publish an amended version confirming that the findings relate to Rayleigh and ensure that all extraneous references are removed;
 - The Plan period to 2025 should be expressly specified;
 - Criterion 3 of Policy 1 refers to the promotion of community uses in locations outside the primary frontage. For effectiveness the Council should clarify in Policy 3 or in the supporting text that uses of this kind will be acceptable under the provisions of criterion 3 of Policy 3. It may also wish to consider expanding the justification for Policy 3 to make plain that leisure and cultural uses as well as community uses will be acceptable in secondary frontages, subject to criteria 1 and 2 of Policy 3;

- For clarity criterion 4 of Policy 1 should refer to pedestrian and, if necessary, cycle routes;
- The expectation is that developer contributions would be used, in part, to fund the environmental and public realm improvements proposed. Policy CLT1 of the Core Strategy sets out the Council's general approach to infrastructure provision. However, in the interests of effectiveness, the Council may wish to consider adding a clause to criterion 5 of Policy 1 to indicate that any significant retail developments within the Action Plan would be expected to contribute to these schemes;
- The existing proportion of Class A1 uses within the consolidated primary shopping frontage is 66%. This is below the target of 75% in Policy 3 and there is no mechanism in place to secure an increase in retail premises. As such, that target should be removed from the policy. The Council indicated that in re-considering the policy it would have regard to the adopted Hockley Area Action Plan. However, Rayleigh is the main centre in the District; the proportion of existing Class A1 uses is greater and the scope for non-retail uses to be located in the secondary frontage is higher. Therefore, from the evidence before me, the Council may be justified in setting a specific figure in the region of 60% for the proportion of Class A1 uses to be maintained in the primary frontage. This would reflect the current position whilst allowing some scope for future change. Alternatively the Council may wish to simply move the reference to 75% retail development to the supporting text;
- Whilst I acknowledge public views the statement that hot food takeaways will not be supported is not backed up by any evidence regarding their impact on the town centre. Such a 'blanket' prohibition is not consistent with national policy and should be removed. In order to deal with concerns about their effect the Council could consider specific criteria to have regard to the amenity and character of Rayleigh and to any other adverse consequences that may arise; and
- For clarity the references in Policies 6 and 8 to "building backs" should be adjusted to "development at the rear of existing properties" or something similar.

Next steps

4. I am not inviting further comments from the Council or anyone else on the views expressed in this letter. They are provided for the purpose of identifying the matters where I consider further modifications are required to achieve soundness and legal compliance. However, could the Council let me know if there are any points of fact or clarification that it wishes me to address.

5. I therefore now invite the Council to propose further main modifications to the Plan to deal with the matters of soundness referred to in this letter and to follow the steps set out in my Note of the final hearing session. I understand that it should be possible to provide me with a list of proposed main modifications in response to the contents of the letter by **Friday 27 March**. Consultation should take place on the basis set out in the Note but if the Council has any questions about the steps to be taken in this respect it should let me know via the Programme Officer. In general I reiterate that it is helpful for me to be kept informed of progress regarding the timing of the consultation process but realise that this may be affected by the upcoming elections.

David Smith

INSPECTOR