



The Planning Inspectorate

Report to Rochford District Council

by **David Smith BA (Hons) DMS MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

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PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)
SECTION 20

REPORT ON THE EXAMINATION OF THE RAYLEIGH AREA ACTION PLAN

Document submitted for examination on 5 December 2014

Examination hearing held on 4 March 2015

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Abbreviations Used in this Report

CS	Core Strategy
LDS	Local Development Scheme
MM	Main Modification
NPPF	National Planning Policy Framework
PSED	Public Sector Equality Duty
RAAP	Rayleigh Action Area Plan
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SCS	Sustainable Community Strategy

Non-Technical Summary

This report concludes that the Rayleigh Area Action Plan provides an appropriate basis for the planning of this part of the District providing a number of modifications are made to the plan. Rochford District Council has requested me to recommend any modifications necessary to enable the plan to be adopted. All of the modifications were proposed by the Council. I have recommended their inclusion after considering the representations from other parties.

The Main Modifications can be summarised as necessary changes to the policies in the interests of effectiveness and to ensure consistency with national policy.

Introduction

1. This report contains my assessment of the Rayleigh Area Action Plan (RAAP) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (NPPF) (paragraph 182) makes clear that to be sound, a Local Plan should be positively prepared; justified; effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local authority has submitted what it considers to be a sound plan. The Submission Document of November 2013 was published for consultation in January 2014. Subsequently the Council produced a post pre-submission consultation document entitled Rayleigh Centre Area Action Plan (December 2014). However, that version of the Plan contains changes that materially affect the policies and has not been the subject of consultation. Therefore, having regard to *Examining Local Plans: Procedural Practice* (December 2013) the examination should properly be based on the November 2013 Plan as I made clear prior to and at the hearing.
3. In accordance with section 20(7C) of the 2004 Act the Council has requested that I recommend any modifications required to rectify matters that make the Plan unsound and thus incapable of being adopted. The report deals primarily with the main modifications that are needed to make the Plan sound and legally compliant and they are identified in bold (**MM**). The Appendix contains the Main Modifications in full and all relate to matters that were discussed at the examination hearing.
4. Following this, the Council prepared a schedule of proposed main modifications and an addendum to its sustainability appraisal. The proposed modifications were the subject of public consultation between 27 April and 22 June 2015. I have taken account of the responses received in coming to my conclusions in this report.

Duty to Co-operate

5. The key strategic matters relating to sustainable development in the District were settled in the Core Strategy (CS) adopted in December 2011 and no neighbouring authorities have advised of any cross-boundary issues. Indeed, because of its location and the content of the RAAP, the sustainable development or use of land in Rayleigh would not have a significant impact on any other local planning authority area. As a result the duty to co-operate imposed by section 33A of the 2004 Act in relation to the Plan's preparation is not engaged. The Council has nevertheless continued to liaise constructively with Essex County Council as Highway Authority.

Assessment of Soundness

6. Taking account of all the representations, written evidence and the discussions that took place at the examination hearing I have identified four main issues upon which the soundness of the Plan depends.

Issue 1

Is the overall framework for development within the RAAP area sound having regard to its needs and demands; the relationship with other plans and national policy and the evidence base and preparatory processes?

7. Rayleigh is the principal centre in Rochford District. It is a market town that provides a reasonable range of shops and facilities that serve the settlement and nearby villages¹. The RAAP area coincides with the town centre boundary. A portion of this is designated as a Conservation Area with attractive heritage assets within it. There are few vacant commercial units. Whilst issues of traffic congestion and pedestrian movement exist there is no dissent from the Council's view that the centre is "successful" and the RAAP aims to build on its existing strengths.
8. Policy RTC4 of the CS seeks to ensure that Rayleigh's role is retained through the production of an Area Action Plan which delivers improved accessibility; a safe and high quality environment; a predominance of retail uses; a range of evening leisure uses and promotes community facilities. These criteria have all been positively addressed by the RAAP and are reflected in Policy 1 which sets out the overall framework and refers to new opportunities for retail development and environmental improvements.
9. National policy indicates that policies should be positive and promote competitive town centre environments and support their vitality and viability. Compared to previous options considered the RAAP has been "reined back" and is not particularly ambitious. This is partly due to the absence of suitable sites and the constraints imposed by the historic environment, street layout and neighbouring residential areas. However, the underlying aim of the RAAP is to improve what is already there and there is no evidence to indicate that more dramatic growth is required in order to sustain the centre's fortunes.
10. Therefore the RAAP is justified as the most appropriate strategy and consistent with the CS and national policy. However, the plan period should be clearly stated and linked to that of the CS in the interests of effectiveness (**MM1**).

Issue 2

Are the policies and proposals for movement justified and deliverable? Would they achieve the aims in the RAAP framework?

11. Rayleigh town centre is located at the intersection of 4 main vehicle routes. Websters Way to the rear of the High Street is often congested at either end and there is evidence of queuing into the car park and at the junctions of High Street with Eastwood Road and Crown Hill. Furthermore, pedestrian routes are affected by guardrails and other barriers and the central taxi rank is quite a dominant feature.
12. To address these issues the RAAP proposes a more pedestrian friendly treatment of the central High Street with wider pavements, a rationalised taxi rank and greater pedestrian emphasis with improved crossings. In principle this is consistent with the NPPF which seeks to give priority to pedestrian

¹ Retail and Leisure Study Update 2014 (SUBDOC17)

movements. The intention of making the wide High Street more multi-functional and vibrant is laudable but the detail is not sound.

13. This is because the High Street (A129) carries substantial traffic flows. According to the NPPF layouts should also be safe and secure and seek to minimise conflicts between traffic and pedestrians. In particular, the addition of 'informal' pedestrian crossings would not work well in this context. Furthermore, Figure 8 indicates that 2-way flows would be re-introduced. However, no detailed modelling of the implications of this for the wider network has been undertaken. It is likely that the proposed changes could have unfortunate 'knock-on' effects elsewhere and there is insufficient evidence to justify the potential improvement framework.
14. The Council's proposed modifications address these matters by clarifying that circulation changes are not proposed and by identifying only the taxi rank and existing crossing points as areas of change. Although these amendments provide little detail they nevertheless highlight the key elements of any future scheme. The revisions also offer sufficient flexibility to incorporate the eventual findings of the modelling work that has commenced with funding from the Local Highway Panel. As such, I recommend them as Main Modifications (**MM4, MM5, MM6 & MM12**).
15. There are existing pedestrian links between the main car park in Websters Way and the High Street and the station can be reached along Crown Hill. The policies of the RAAP allow for "cosmetic" improvements to be undertaken. This is consistent with national policy and sound although for clarity criterion 4 of Policy 1 should refer to pedestrian and cycle routes (**MM2**).
16. The schemes identified would be funded publicly or by developer contributions. Consultation has yet to take place on the draft charging schedule for the Community Infrastructure Levy. Policy CLT1 of the CS sets out the Council's general approach to infrastructure provision. However, in the interests of effectiveness, a clause should be added to criterion 5 of Policy 1 to indicate that any significant retail developments within the RAAP area would be expected to contribute to these environmental and public realm works (**MM3**).
17. Therefore, subject to the matters referred to above, the policies and proposals for movement are justified and deliverable. They would also form a basis to achieve the aims contained in the RAAP framework.

Issue 3

Are the policies for retail development clear, justified and consistent with national policy? Would they achieve the aims in the RAAP area framework?

18. The NPPF indicates that a range of suitable sites should be allocated to meet the scale and type of retail, leisure and other development needed in town centres. The Retail and Leisure Study Update of 2014² contains projections which suggest that there is scope for a total of 6,800 sq m of additional floorspace by 2034 although dependent on Rayleigh maintaining its current market share. However, development options are limited in the short term.

² SUBDOC17

19. The Dairy Crest site is shown as an opportunity site as it could be redeveloped in the long-term subject to the relocation of the existing occupiers. In theory, development of Websters Way car park could occur if replacement parking were provided in a multi-storey building alongside new uses. The Council does not wish to pursue this option for the present. However, the retail policies do allow scope for new development to be supported if either of these sites or any other land were to come forward unexpectedly. In addition, the assessment in the Update extends beyond the plan period and there is no evidence to suggest that a significant expansion of Rayleigh is required at this time. Consequently the RAAP is justified in taking this approach.
20. Local plans should identify areas where it may be necessary to limit freedom to change the use of buildings if such restrictions are supported by a clear explanation. Moreover, paragraph 23 of the NPPF refers to the setting of policies that make clear which uses will be permitted in primary and secondary frontages. The Retail Update supports the continuation of these designations.
21. The RAAP has, however, reviewed the extent of the frontages in Rayleigh. As a result, the primary frontage has been reduced to a more tightly drawn 'core' with a good proportion of Class A1 uses (66%). This is justified on the basis of the evidence and in broad terms would allow for non-retail uses to be more strictly controlled in the geographical centre and for greater flexibility on the periphery in the interests of vitality and viability.
22. The target in Policy 3 of 75% of retail use in the primary shopping frontage is higher than the existing figure. There is no mechanism in place to secure an increase in retail premises and so it should be removed from the policy and placed in the supporting text (**MM7 & MM8**). As a result the policy expectation is that there should be a predominance of Class A1 uses within the centre as a whole and within the primary shopping frontage. This would support one of the key elements of the town centre whilst allowing scope for future change.
23. Policy 1 refers to the promotion of community uses in locations outside the primary frontage. For effectiveness the Council should clarify that uses of this kind will be acceptable under the provisions of criterion 3 in Policy 3. Similarly the justification for Policy 3 should also be expanded 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 (**MM7, MM9 & MM10**).
24. 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 possible impact the Council proposed modifications to avoid negative effects on the amenity and character of Rayleigh or any other adverse consequences. I recommend these changes in the interests of soundness (**MM7 & MM11**).
25. Provided that the RAAP is modified as recommended the approach adopted would be consistent with the expectations and definitions within the NPPF. It should ensure the future vitality of the main centre with greater prospects for new uses in the secondary frontages.

Issue 4

Are the policies relating to the character of Rayleigh clear, justified and consistent with national policy? Would they achieve the aims in the RAAP area framework?

26. The RAAP identifies four separate character areas to provide comprehensive coverage. They provide overarching guidance to protect the historic character of the town where necessary but also to allow for public realm interventions and new development in line with Policy 1. For clarity the references in Policies 6 and 8 to "building backs" should be adjusted to "development at the rear of existing properties" (**MM13** & **MM14**).

Assessment of Legal Compliance

27. My examination of the compliance of the Plan with the legal requirements is summarised in the table below. I conclude that the Plan meets them all.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The RAAP is identified in the December 2014 ³ Update and its content and timing are compliant with the LDS.
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in 2007 ⁴ and consultation has been compliant with its requirements, including that on the proposed main modifications.
Sustainability Appraisal (SA)	SA ⁵ has been carried out, including an SA of the proposed main modifications and is adequate.
Habitats Regulations Assessment	The Habitats Regulations Assessment Screening Report of December 2013 ⁶ and Update of March 2015 ⁷ found that none of the policies are likely to have significant impacts on European sites. Natural England agrees with their findings.
National Policy	The RAAP complies with national policy except where indicated and modifications are recommended.
Sustainable Community Strategy (SCS)	Satisfactory regard has been paid to the SCS.
2004 Act (as amended) and 2012 Regulations.	The RAAP complies with the Act and the Regulations.

Overall Conclusion and Recommendation

28. The Plan has a number of deficiencies in relation to soundness for the reasons set out above which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.

³ SUBDOC11
⁴ SUBDOC12
⁵ SUBDOC3
⁶ SUBDOC4
⁷ RCAAP013

29. The Council has requested that I recommend main modifications to make the Plan sound and capable of adoption. I conclude that with the recommended Main Modifications set out in the Appendix the Rayleigh Area Action Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

David Smith

INSPECTOR

This report is accompanied by the Appendix containing the Main Modifications

Main Modifications

The changes below are expressed either in the conventional form of strikethrough for deletions and underlining for additions of text, or by specifying the change in words in *italics*.

The page numbers and paragraph numbering below refer to the Rayleigh Area Action Plan Submission Document (November 2013), and do not take account of the deletion or addition of text.

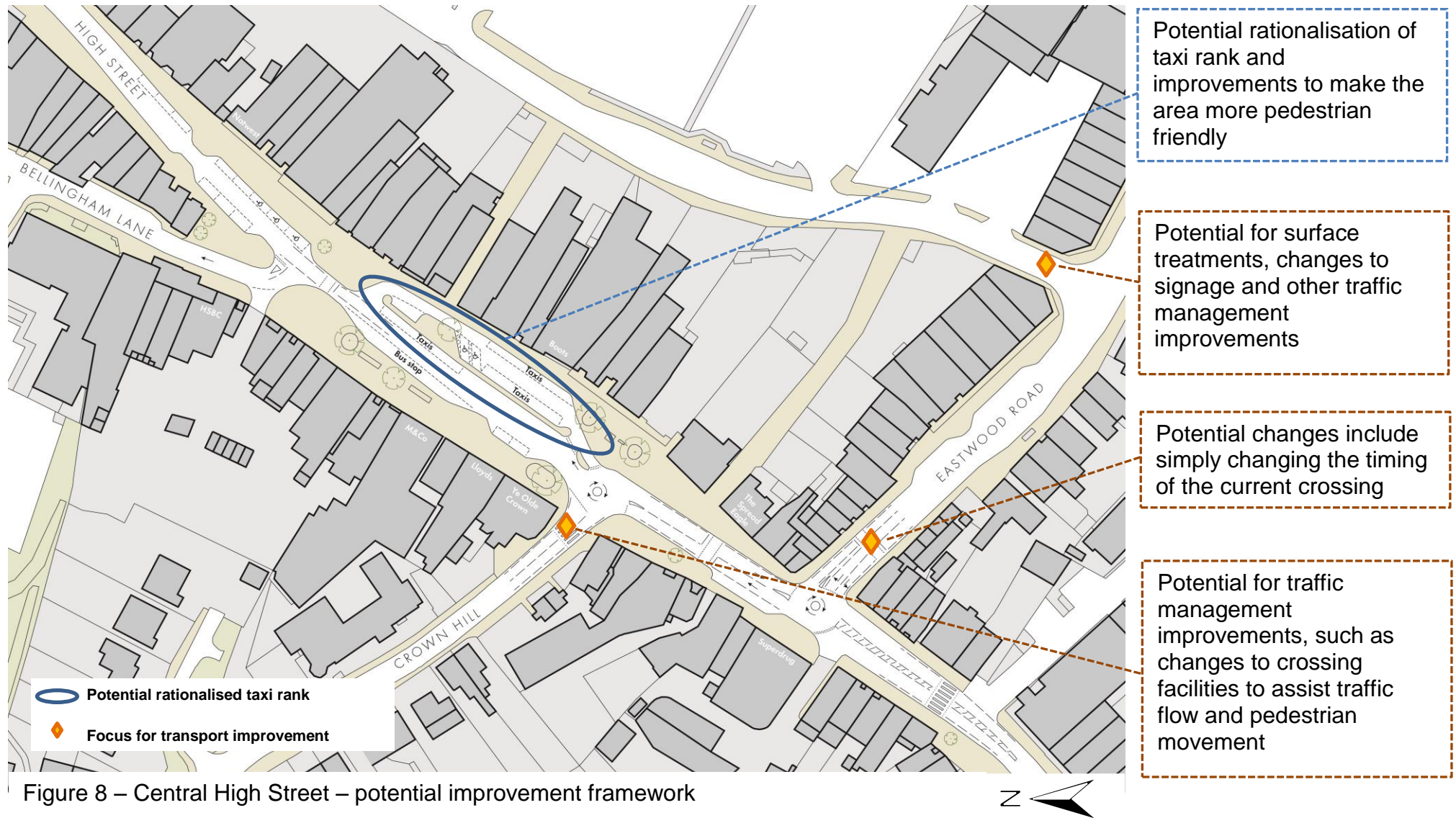
Ref	Page	Policy/ Paragraph	Main Modifications
MM1	6	Section 1.1 Paragraph 1	Amend paragraph as follows; Rochford District Council is committed to preparing Area Action Plans (AAP) for its three main centres of Rayleigh, Rochford and Hockley. The AAPs will form part of the statutory development plan for Rochford District. This document focuses on guiding the development of Rayleigh town centre, and also considers its immediate surrounds <u>surroundings</u> , during the current plan period to 2025.
MM2	24	Policy 1	Amend Policy as follows; 4. New and improved <u>pedestrian and cycle</u> routes within the AAP area and linking the centre with the railway station and the surrounding area; and
MM3	24	Policy 1	Amend Policy as follows; 5. New and improved public realm and environmental improvements throughout the centre as identified on the spatial framework. <u>It is expected that significant retail development within Rayleigh centre will contribute financially to these schemes.</u>
MM4	24	Section 3.4 Paragraph 3	Amend text as follows; In terms of delivering public realm improvements to the town centre, the Rayleigh Framework identifies the opportunity for improvements to the central section of High Street, which is currently dominated by the taxi rank. The <u>Council recognises that the local</u> taxi services provide shoppers with an important a

Ref	Page	Policy/ Paragraph	Main Modifications
			<p>local service, but there is an opportunity to deliver greater pedestrian priority <u>and flexibility for the local market</u> in this central and high profile location <u>as well as recognising the role of the taxi rank</u>. Figure 7 provides an overview of the existing conditions in this central area and Figure 8 puts forward a potential framework for improvements <u>identifies sites that would benefit from potential rationalisation</u>. The ideas put forward would, subject to funding being identified, need to be developed and refined with the Highway Authority, local traders and other stakeholders. However, they provide a framework for a major initial phase of environmental improvements – with the potential to continue further improvements of this type within adjacent areas.</p>
MM5	26	Figure 8	Replace Figure 8 with modified version of Figure 7 (see Appendix 1)
MM6	28-29	Table 1	Replace Table 1 as shown in Appendix 2
MM7	32	Policy 3	<p>Amend policy as follows;</p> <p>Within the town centre’s primary and secondary shopping frontages, as defined on the Rayleigh AAP Proposals Map (Figure 10), proposals for A1 retail uses will be acceptable. A proposed change of use for non-retail (non-A1) purposes will be permitted where it would:</p> <ol style="list-style-type: none"> 1. Not have a detrimental impact on, or undermine, the predominance of A1 uses within the centre, both within the centre as a whole and within the primary shopping frontage; 2. Not create a cluster of non-A1 uses within the same use class in a locality that undermines the retail character of the centre; and 3. Entail the provision of a non-A1 use which is considered to positively contribute to the overall offer and encourage people into the centre. <u>These may take the form of those non-A1 uses set out in criterion 3 of Policy 1, including A2-5, leisure, cultural and community uses. The Council will encourage such uses outside of the primary shopping frontage in particular; and</u> 4. Not have a negative effect on the amenity and character of Rayleigh or have adverse consequences

Ref	Page	Policy/ Paragraph	Main Modifications
			<p><u>for Rayleigh centre.</u></p> <p>The Council will generally seek to ensure 75% of Rayleigh’s primary shopping frontage and 50% of its secondary shopping frontage is in retail (A1) use.</p>
MM8	34	Section 4.2	<p>Replace paragraph 5 with the following;</p> <p>The target proportions of 75% and 50% of the primary and secondary frontages in A1 retail use respectively are considered appropriate for this principal town centre. These proportions have been carried forward from the Local Plan.</p> <p><u>The Council recognises the dynamic nature of centres and the need for flexibility. Nevertheless, it wishes to ensure that the majority of uses both within the centres as a whole and within the primary shopping frontage are in A1 use. As at March 2015, within the revised primary and secondary shopping frontages, 66% of the primary frontage and 62% of the secondary frontage fall within A1 use. The Council will seek to achieve a target of 75% A1 uses in the primary frontage and 50% A1 uses in the secondary frontage.</u></p>
MM9	34	Section 4.2 Paragraph 6	<p>Amend paragraph as follows;</p> <p>Notwithstanding the need to protect A1 uses in the identified shopping frontages, an appropriate balance of uses is necessary to support the health of Rayleigh town centre, and it is essential that retail uses are supported by non-retail uses such as cafés, pubs and banks. <u>Leisure, cultural and community uses will also be accepted in the secondary frontages provided that they meet the criteria set out in Policy 1.</u></p>
MM10	34	Section 4.2 paragraph 6	<p>Insert additional paragraph after paragraph 6 as follows;</p> <p><u>With this goal in mind the Council has set several criteria to encourage the appropriate mix of uses within Rayleigh Centre. Under policy 1, criterion 3, the Council states that it will promote appropriate proportions of non-A1 development, particularly outside of the retail core (within the secondary shopping frontage); such development within the retail core is not precluded provided it conforms to the provisions in Policy 1 and Policy 3.</u></p>

Ref	Page	Policy/ Paragraph	Main Modifications
			<u>Policy 3, criterion 3 requires non-A1 developments proposed for Rayleigh Centre to positively contribute to the overall offer and encourage people into the centre. In addition to community uses, leisure and cultural uses will be supported in the secondary shopping frontages where they comply with the criteria in policy 3.</u>
MM11	34	Section 4.2 paragraph 10	Amend Paragraph as follows; However there are uses of which the provision of additional units in <u>Hockley Rayleigh</u> centre would not be considered to positively contribute to the overall offer of the centre. <u>Developments which would have a negative effect on the amenity and character of Rayleigh or which would have adverse consequences for Rayleigh centre would not generally be supported. Such uses include hot food takeaways (A5 uses), planning applications for which will not generally be supported.</u>
MM12	38	Policy 5	Amend Policy as follows; 4. Public realm enhancements should be focused on the creation of a new public space at the centre of the High Street and include the <u>potential</u> rationalisation and reduction in size of the existing taxi rank; and
MM13	40	Policy 6	Amend Policy as follows; 4. The development of building backs <u>Development at the rear of existing properties</u> will be acceptable where this would not have an undue negative impact on the operation of units fronting the High Street;
MM14	44	Policy 8	Amend Policy as follows; 2. The development of building backs <u>Development at the rear of existing properties</u> will be acceptable where this would not have an undue negative impact on the operation of units fronting the High Street, the safety and operation of Websters Way or the levels of town centre car parking;

RayAAP: Schedule of Modifications Appendix 1



RayAAP: Schedule of Modifications Appendix 2

Environmental improvement / highways scheme	Lead partner	Other partners	Estimated cost	Potential funding stream(s)	Comments	Justification
High Street Taxi Rank & Market Area	ECC	Rochford District Council / developers	£300,000 - £1,250,000	Pooled financial contributions / ECC budget	<p>Potential rationalisation of taxi stand to allow improved pedestrian environment and to achieve a more versatile use of the taxi rank and market area.</p> <p>Landscaping and lighting enhancement. Traffic management improvements at key junctions and crossing points aimed at improving existing functionality (including low impact surface treatments and signage improvements).</p> <p>Following identification of a range of options and their costs for Rayleigh centre through earlier iterations of the Plan, the Local Highways Panel has agreed to fund transport modelling work. This will identify precise measures from the framework for improvements this Plan provides, along with the specific costs of such improvements from the range of costs identified here based on a scalable package of measures.</p>	<p>A significant proportion of public space in the core of town centre is allocated as carriageway for a taxi standing area. Space is required for occasional market use. There is a need to review and seek to improve taxi parking and circulation within this area to meet the needs of the local market and improvements to pedestrian movement. While acknowledging the role played by the taxi services in the town centre there is the potential to rationalise the taxi parking with the market.</p> <p>The town centre functions as a major traffic thoroughfare in the District. There is an opportunity for enhanced pedestrian safety improvements and better traffic flow around the town centre through making existing junctions perform at a more optimal level. Traffic management improvements can ensure that pedestrians are still able to use these crossings safely while also ensuring that traffic flow is not adversely affected.</p>
1. Zebra Crossing at the top of Crown Hill	ECC	Rochford District Council /	£500,000 – £3,000,000	Pooled financial contributions / ECC budget	There is potential for the inclusion of traffic management measures to improve the effectiveness of key	The town centre functions as a major traffic thoroughfare in the District. There is the opportunity for greater pedestrian safety

<p>2. Pelican Crossing before the junction of Bellingham Lane and the High Street</p> <p>3. Pelican Crossing of, Eastwood Road, before the High Road and Eastwood Road roundabout; and Pelican Crossing of High Road to the north east of the High Road and Eastwood Road roundabout.</p> <p>4. Zebra Crossing, High Street to the North of the Police Station.</p> <p>5. Zebra Crossing of Websters Way at Eastwood Road junction.</p>		<p>developers</p>			<p>crossing points, subject to further investigation of traffic and pedestrian movements. Rochford District Council will work in conjunction with Essex County Council to assess appropriate measures to be taken.</p> <p>Following identification of a range of options and their costs for Rayleigh centre through earlier iterations of the Plan, the Local Highways Panel has agreed to fund transport modelling work. This will identify precise measures from the framework for improvements this Plan provides, along with the specific costs of such improvements. Whilst the potential costs of these range of improvements have the potential to total up to £3,000,000, it could be that the most effective measures will cost considerably less.</p> <p>The extension of the High Street improvement scheme along Eastwood Road, including the junction with Websters Way.</p>	<p>improvements and better traffic flow around the town centre through making existing junctions perform at the most optimal level. Traffic management improvements can ensure that pedestrians are still able to use these crossings safely while also ensuring that traffic flow is not adversely affected.</p> <p>Traffic management improvements can involve significantly less material disruption to the structure of existing roads. The extent of the improvements to be applied to the area will be determined in relation to further investigation of pedestrian and motorist behaviours and with the assistance of Essex County Council as Highways Authority.</p>
<p>New and enhanced pedestrian / cycle links</p>	<p>ECC</p>	<p>Rochford District Council /</p>	<p>£150,000 - £200,000</p>	<p>Pooled financial contributions / ECC budget</p>	<p>The enhancement of pedestrian and cycle links across the town centre, for example improved mid-block</p>	<p>To improve environmental quality and safety, and encourage walking and cycling for local journeys around the town.</p>

Rayleigh Area Action Plan – Appendix to Inspector’s Report

		developers			links between High Street and Websters Way, between Eastwood Road and Castle Road car park, and to the station via Crown Hill and Rayleigh Mount.	
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