

## **EXAMINATION OF THE ROCHFORD ALLOCATIONS SUBMISSION DOCUMENT**

### **INSPECTOR'S PRE HEARING MATTERS FOR THE COUNCIL**

The following matters have arisen from my initial perusal of the hearing statements. As a result there are a few areas where further or additional written representations from the Council would be helpful prior to the commencement of the hearings. I also have some observations to make in the light of the Council's response to my further questions of 26 June 2013. Finally, I wish to raise the question of how modifications to the Plan should be dealt with. Within each matter and where necessary I have indicated the date by which any material should be submitted.

All of these points are intended to assist me in determining the soundness and legal compliance of the Document in certain respects. Discussion about these and other issues will take place during the hearings themselves starting on **Tuesday 3 September 2013**.

#### **Further and additional representations**

1. Although the Council has responded to question iii) of Issue 1 regarding a 5 year housing land supply it would be helpful to receive any further comments or explanation by **Friday 30 August** in the light of the hearing statements provided by others and particularly paragraphs 3-7 of the statement on behalf of Representer 29064.
2. The Council has addressed question i) of Issue 1 regarding consultation and the specific questions concerning Hullbridge and Canewdon. However, in the light of the hearing statements from Representer 28594 concerned with Rayleigh does it wish to say anything more by **Friday 6 September** to respond to the specific comments in this regard? In more general terms Regulation 18 (2) (c) refers to "residents or other persons carrying on business in the local planning authority's area". By **Friday 30 August** could the Council indicate how it decided who it was "appropriate" to invite representations from?
3. As part of the hearing session on 11 September the site at Eastwood Nurseries will be discussed (Representer 29002). It would be helpful if the Council could explain by **Friday 6 September** the consideration given to the site (Call for Site Allocations Site 146); the reasons for its non-inclusion in the Document and any further comments regarding its soundness.

## Further comments on Inspector's questions

Using the original numbering:

14. c) I note that there are a range of options to access the site and that the Highway Authority has no objections. However, if access to the south onto Southend Road is a possibility then assurance should be given that use of Old School Meadow is feasible or the site area extended to include a link directly onto Southend Road. Alternatively the text in paragraph 3.288 could be adjusted so that it is less specific.
  
17. The Access Appraisal in Appendix 7 of the Council's statement concludes that a safer, higher standard access could be provided to Site NEL2. However, the Highway Authority is unable to support this allocation as set out in its hearing statement. It would be of assistance if the Council could ensure that the Highway Authority has had sight of the Appendix 7 report prior to the hearing session. Furthermore, an up-to-date position statement from the Highway Authority by **Friday 6 September** would also assist in enabling the discussion to focus on any outstanding matters of disagreement.

## Modifications

At my request the Council has produced and maintained a list of minor amendments to the Document. At this juncture it may be valuable to set out my understanding of how changes to it should be progressed.

In adopting the Document section 23 of the Planning and Compulsory Purchase Act 2004 provides that a local planning authority may adopt a local development document with both "main modifications" and "additional modifications". The latter are defined, in short terms, as modifications that do not materially affect its policies. Main modifications are defined as those stemming from section 20(7C) which are required to satisfy legal or procedural requirements or to make the plan sound.

Having reviewed the amendments put forward to date my view is that some of them fall into the category of main modifications. I include within this the changes made to the site boundaries for SER1, SER3 and NEL4. Furthermore, because all the policies themselves are lengthy and comprise the site context, site capacity and concept statement the scope to consider the proposed amendments as additional modifications appears to me to be limited. I have not undertaken a detailed analysis but, for example, the statements to the effect that the land allocated for development is identified in the associated Figure should be treated as main rather than additional modifications.

I am raising this now so that the Council can consider its position and it may also wish to prepare by **Friday 30 August** a schedule of both main and additional modifications that can be reviewed during the hearings. Furthermore, I can only recommend main modifications under section 20

(7C) if asked to do so by the local planning authority. Main modifications proposed would need to the subject of a further 6 week period of publicity before my final report and recommendations.

*David Smith*

INSPECTOR

27 August 2013