

Rochford District Council Hockley Area Action Plan Submission Development Plan Document (DPD)

Notes and Representation Form

Notes to Accompany Representation Form for Development Plan Documents

1 Introduction

- 1.1 The development plan document (DPD) is published in order for representations to be made prior to submission. The representations will be considered alongside the submitted DPD, which will be examined by a Planning Inspector. The Planning Inspector will consider whether the DPD complies with the legal requirements and is 'sound'.
- If you are seeking to make representations on the **way** in which Rochford District Council has prepared the published DPD it is likely that your comments or objections will relate to a matter of **legal compliance**.
 - If it is the **actual content** on which you wish to comment or object it is likely it will relate to whether the DPD is **positively prepared, justified, effective or consistent with national policy, i.e. sound**.
- 1.2 Please note that all respondents must complete their personal details as it is not possible for representations to be considered anonymously. The Council will publish the names of respondents to this consultation along with the representations they have made, but will not publish personal information such as telephone numbers, email addresses, or postal addresses. By submitting representations on the DPD you confirm that you agree to this.

2 Legal Compliance

- 2.1 The Inspector will first check that the DPD meets the legal requirements under section 20(5)(a) of the Compulsory Purchase Act 2004¹ before moving on to test for soundness.

You should consider the following before making a representation on legal compliance:

- The DPD in question should be within the current Local Development Scheme (LDS) and the key stages should have been followed. The LDS is effectively a programme of work prepared by the Council, setting out the Local Development Documents it proposes to produce over a 3 year period. It will set out the key stages in the production of any DPDs which the LPA propose to bring forward for independent examination. If the DPD is not in the current LDS it should not have been published for representations. The LDS is available on the Council's website and available at the main Council offices in Rayleigh and Rochford.

¹ <http://www.legislation.gov.uk/ukpga/2004/5/contents>

- The process of community involvement for the DPD should be in general accordance with the Council's Statement of Community Involvement . The Statement of Community Involvement is a document which sets out the Council's strategy for involving the community in the preparation and revision of Local Development Documents and the consideration of planning applications.
- The DPD should comply with the Town and Country Planning (Local Planning) (England) Regulations 2012². On publication, the Council must publish the documents prescribed in the regulations, and make them available at their principal offices and their website. The Council must also place local advertisements and notify the DPD bodies (as set out in the regulations) and any persons who have requested to be notified.
- The Council is required to provide a Sustainability Appraisal Report (SA) when they publish a DPD. This should identify the process by which the Sustainability Appraisal has been carried out, and the baseline information used to inform the process and the outcomes of that process. Sustainability Appraisal is a tool for appraising policies to ensure they reflect social, environmental, and economic factors.
- The DPD should have regard to national policy and conform generally to the Regional Spatial Strategy (RSS). The RSS sets out the region's policies in relation to the development and use of land and forms part of the development plan for LPAs.
- The DPD must have regard to any Sustainable Community Strategy (SCS) for its area (i.e. Rochford's Sustainable Community Strategy 2010-2015). The Localism Act and the National Planning Policy Framework (NPPF) place a duty on local planning authorities and other bodies to cooperate with each other to address strategic issues relevant to their areas. The duty requires ongoing constructive and active engagement on the preparation of DPDs and other activities relating to the sustainable development and use of land, in particular in connection with strategic infrastructure.

3 Soundness

3.1 To be sound a DPD should be:

- **Positively prepared**

The plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development.

- **Justified**

This means that the DPD should be founded on a robust and credible evidence base involving:

- Evidence of participation of the local community and others having an interest in the area.
- Research/fact finding: the choices made in the plan are backed up by facts.

² View at <http://www.legislation.gov.uk/ukxi/2012/767/contents/made>

The DPD should also provide the most appropriate strategy when considered against reasonable alternatives. These alternatives should be realistic and subject to Sustainability Appraisal. The DPD should show how the policies and proposals help to ensure that the social, environmental, economic and resource use objectives of sustainability will be achieved.

- **Effective**

This means the DPD should be deliverable, embracing:

- Sound infrastructure delivery planning.
- Having no regulatory or national planning barriers to delivery.
- Delivery partners who are signed up to it.
- Coherence with the strategies of neighbouring authorities.

The DPD should also be flexible and able to be monitored.

The DPD should indicate who is to be responsible for making sure that the policies and proposals happen and when they will happen.

The plan should be flexible to deal with changing circumstances, which may involve minor changes to respond to the outcome of the monitoring process or more significant changes to respond to problems such as lack of funding for major infrastructure proposals. Although it is important that policies are flexible, the DPD should make clear that major changes may require a formal review including public consultation.

Any measures which the Council has included to make sure that targets are met should be clearly linked to an Annual Monitoring Report. This report is produced each year by the Council and will show whether the DPD needs amendment.

- **Consistent with national policy**

The DPD should be consistent with national policy. Where there is a departure, Local Planning Authorities (LPAs) must provide clear and convincing reasoning to justify their approach. Conversely, you may feel the LPA should include a policy or policies which would depart from national or regional policy to some degree in order to meet a clearly identified and fully justified local need, but they have not done so. In this instance it will be important for you to say in your representations what the local circumstances are that justify a different policy approach to that in national or regional policy and support your assertion with evidence.

3.2 If you think the content of a DPD is not sound because it does not include a policy where it should do, you should go through the following steps before making representations:

- Is the issue with which you are concerned already covered specifically by any national planning policy or in the Regional Spatial Strategy? If so it does not need to be included.

- Is what you are concerned with covered by any other policies in the DPD on which you are seeking to make representations or in any other DPD in the LPA's Local Development Framework (LDF). There is no need for repetition between documents in the LDF.
- If the policy is not covered elsewhere, in what way is the DPD unsound without the policy?
- If the DPD is unsound without the policy, what should the policy say?

4 General advice

- 4.1 If you wish to make a representation seeking a change to a DPD or part of a DPD you should make clear in what way the DPD or part of the DPD is not sound having regard to the legal compliance check and the tests set out above. You should try to support your representation by evidence showing why the DPD should be changed. It will be helpful if you also say precisely how you think the DPD should be changed. Representations should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further submissions based on the original representation made at publication. After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.
- 4.2 Where there are groups who share a common view on how they wish to see a DPD changed, it would be very helpful for that group to send a single representation which represents the view, rather than for a large number of individuals to send in separate representations which repeat the same points. In such cases the group should indicate how many people it is representing and how the representation has been authorised.
- 4.3 Further detailed guidance on the preparation, publication and examination of DPDs is provided in *the National Planning Policy framework*³ and in *The Plan Making Manual*⁴

³ View at <http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>

⁴ View at <http://www.pas.gov.uk/pas/core/page.do?pageId=109798>

Rochford District Council Hockley Area Action Plan Submission Development Plan Document (DPD)

Representation Form

Name of the DPD to which this representation relates:

Hockley Area Action Plan Submission Document

Please return to Rochford District Council by 5.00 pm on Friday, 25 January 2013

Post: Planning Policy Team, Rochford District Council, South Street, Rochford, Essex SS4 1BW

Email: planning.policy@rochford.gov.uk

Fax: 01702 318181

This form has two parts:

Part A – Personal Details

Part B – Your representation(s). Please fill in a separate sheet for each representation you wish to make.

Part A

1 Personal Details*

**If an agent is appointed, please complete only the Title, Name and Organisation boxes below but complete the full contact details of the agent in 2.*

Title	<input type="text"/>
First Name	<input type="text"/>
Last Name	<input type="text"/>
Job Title (where relevant)	<input type="text" value="Royal Mail Group Ltd"/>
Organisation (where relevant)	<input type="text" value="C/o DTZ"/>
Address Line 1	<input type="text"/>
Line 2	<input type="text"/>
Line 3	<input type="text"/>
Line 4	<input type="text"/>
Post Code	<input type="text"/>
Phone Number	<input type="text"/>
Email Address (where relevant)	<input type="text"/>

2 Agent's Details (if applicable)

<input type="text" value="Mrs"/>
<input type="text" value="Karen"/>
<input type="text" value="Charles"/>
<input type="text" value="Director"/>
<input type="text" value="DTZ"/>
<input type="text" value="125 Old Broad Street"/>
<input type="text" value="London"/>
<input type="text"/>
<input type="text"/>
<input type="text" value="EC2N 2BQ"/>
<input type="text" value="020 3296 3117"/>
<input type="text" value="karen.charles@dtz.com"/>

Part B – Please use a separate sheet for each representation

Name or Organisation

3. To which part of the DPD does this representation relate?

Paragraph

Policy

1

Key Diagram

4. Do you consider the DPD is:

4(1) Legally compliant

☐ Yes

☐ No

4(2) Sound

☐ Yes

☒ No

If you have entered No to 4(2), please continue to Q5. In all other circumstances, please go to Q6.

5. Do you consider the DPD is *unsound* because it is *not*:

(1) Positively prepared

☒

(2) Justified

☒

(3) Effective

☒

(4) Consistent with national policy

☒

6. Please give details of why you consider the DPD is not legally compliant or is unsound. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the DPD, please also use this box to set out your comments.

Royal Mail formerly Consignia Plc, is the successor to the former statutory corporation, The Post Office. Although its management operates independently, Royal Mail is wholly owned by the Government through the Secretary of State for Business, Innovation and Skills. Its services are regulated by the Postal Services Regulator, Postcomm. Its letters business, Royal Mail is the operator of universal postal service functions through the Royal Mail letter post delivery and collection services handling letters, postal packets, and high value (registered) packets. Royal Mail Group also operates Parcelforce Worldwide which is a parcels carrier.

The United Kingdom letter post business was fully liberalised in January 2006 by Postcomm and Royal Mail now operates in a highly competitive market place. As such, it effectively operates like any other business and is continually seeking to find ways to improve the efficiency of its business (e.g. increased automation) and respond to the changes in communications technology (e.g. email and internet). Put simply, the nature of the mail industry has and continues to change and Royal Mail's real estate needs to respond accordingly.

Royal Mail Properties

Royal Mail own the following freehold properties within Rochford District:

- Hockley Delivery Office, Eldon Way, Hockley, SS5 4AA (1575)
- Rayleigh Delivery Office, 160 High Street, Rayleigh, SS6 7BT (1581)
- Rochford Industrial Space, 50 East Street, Rochford, SS4 1AZ (1582)

The Hockley Delivery Office lies within the Eldon Way / Foundry Industrial Estate which is covered by the Hockley AAP area.

Previous Representations

On 4th February 2011, Royal Mail's previous advisors, BNP Paribas Real Estate, submitted representations to the Hockley Town Centre Area Action Plan Options Report (November 2010). These representations remain relevant and we request that they are taken forward as part of the ongoing plan preparation.

Draft Policy 1 identifies that the Eldon Way Opportunity Site will deliver a mixed-use development which will include homes, shops, leisure facilities, offices, car parking and new public spaces. In relation to the site of the Hockley Delivery Office, Figure 3.2 identifies it as the 'retail focus' of the Opportunity Area and refers to a 'new retail development potential'. In relation to retail development, draft Policy 6 states that new retail (A1) development within the Eldon Way Opportunity Site will be permitted. In particular it refers to a new food store on the site not exceeding 3,000 sq m (gross).

Royal Mail support the Council's strategy to improve this area, although it should be noted that the Hockley Delivery Office is an operational site. Whilst Royal Mail currently have no plans to close or relocate their operations, where appropriate they are prepared to allow their sites to be included in planning policy documents as future development sites. In relation to Hockley Delivery Office, it is Royal Mail's view that the site does present a good opportunity for redevelopment for a mix of uses including retail, residential and employment uses and therefore support its allocation in the AAP. However, it is essential that the supporting text to any policy allocation makes it clear that any redevelopment of the site will be required to fund the relocation/reprovision of the operational facility prior to the site's redevelopment. This will ensure that Royal Mail's operations will not be prejudiced and they can continue to comply with their licence issued pursuant to the Postal Services Act 2000, which requires the provision of a 'universal service' for the UK.

In the event that the Delivery Office is not relocated, then it is important that any redevelopment adjacent to the Delivery Office is designed so that it is cognisant of and sensitive to Royal Mail's existing operations. This particularly relates to residential development which needs to be designed so as not to be impacted by Royal Mail's operations.

(Continue on a separate sheet if necessary)

7. Please set out what change(s) you consider necessary to make the DPD legally compliant or sound, having regard to the test you have identified at 5 above where this relates to soundness. You will need to say why this change will make the DPD legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

It is suggested that the text accompanying with Policy 1 and Figure 3.2 is amended as follows:

"The council does not own or control the majority of the land within the Eldon Way opportunity area. Its redevelopment is therefore largely dependent on private land owners and developers bringing the land forward. In relation to Royal Mail's site, redevelopment of the site will require the relocation of the Delivery Office prior to its redevelopment."

and

"Any new development within the Opportunity Site will need to need to ensure that it is designed to be cognisant and sensitive to existing land uses. This may be particularly important in relation to Royal Mail's Delivery Office".

(Continue on a separate sheet if necessary)

Please Note

Your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage.

After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.

8. If your representation is seeking a change, do you consider it necessary to participate at the oral part of the examination?

- ☒ No, I do not wish to participate at the oral examination
☐ Yes, I wish to participate at the oral examination

9. If you wish to participate at the oral part of the examination, please outline why you consider this to be necessary:

10. Do you wish to be notified when this document is:

- ☒ Submitted for independent examination
- ☒ The Inspectors Report is published
- ☒ Adopted

Please Note

The Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the examination.

Signature: Kuchel. Date: 23rd January 2013

