

**Council’s Response to Inspector’s Initial Questions Regarding Legal Compliance and Representations (May 2013)**

- i) Have the RASD and the HAAP been prepared in accordance with the Local Development Scheme?  
Yes. The most recent Local Development Scheme was adopted and published in 2013. The HAAP and Allocations were also included in the previous Local Development Scheme (2010), and any changes to the timetable of their production were published on the Council’s website as and when required.
- ii) Has the preparation of the RASD and the HAAP had regard to national policy and guidance, the Sustainable Community Strategy and any other Local Plan?  
Yes. Both the HAAP and Allocations conform to the Rochford Core Strategy, which in turn was produced having regard to the Sustainable Community Strategy and national policy and guidance. Whilst the Rochford Core Strategy predates the latest national guidance (NPPF), an NPPF compliance review of the Rochford Core Strategy has been undertaken that concludes that the Rochford Core Strategy is broadly in compliance with the NPPF.
- The compliance review, however, noted that whilst the Rochford Core Strategy was produced accounting for evidence that was in place at the time, it should be acknowledged that new evidence is constantly emerging. For example, the Rochford Core Strategy accounted for objectively identified housing needs, but the NPPF now requires a different form of assessment in this regard; a Strategic Housing Market Assessment must be prepared and the results accounted for in Local Plans. As such, whilst it is concluded the Rochford Core Strategy does not conflict with the NPPF in this regard per se, it is acknowledged that it will be necessary for a future review of the Rochford Core Strategy to be informed by a new and updated Strategic Housing Market Assessment.
- iii) Has the preparation of the RASD and the HAAP had regard to the resources likely to be available in implementing their proposals?  
Yes. The Allocations has been prepared having regard to a wide range of evidence including the Strategic Housing Land Availability Assessment, which utilised the Three Dragons Model to assess economic viability of existing use and alternative uses of sites, community engagement, consultation with service providers and discussions with developers.
- The HAAP has also been subject to a viability assessment, which forms part of the evidence base (82.EB33). An additional viability document, which provides further detail to the previous assessment, has also been included within the evidence base (85.EB36).
- iv) Has the preparation of the RASD and the HAAP been in general accordance with the Statement of Community Involvement and public consultation requirements?  
Yes. Both documents have been prepared in accordance with the Statement of Community Involvement (SCI), as set out in the Consultation Statement. Although the SCI was prepared prior to the changes in regulations, the community

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involvement techniques set out in it are still relevant and have been adopted throughout the preparation of the Plans.

- v) Have the RASD and the HAAP been subjected to satisfactory Sustainability Appraisal?  
Yes. The Sustainability Appraisal (SA) of the HAAP was prepared by Enfusion, and whilst the SA of the Allocations was prepared in-house, the draft SA of the Discussion and Consultation Document was subject to a compliance review by Enfusion. The subsequent final SA of the Submission Document was prepared, taking into account the aforementioned compliance review.

- vi) Has the Council met its duty to co-operate in the preparation of the RASD and the HAAP?  
Yes. The Core Strategy, to which both documents conform, was prepared having regard to a wide range of stakeholders, including Essex County Council and neighbouring authorities.

The Consultation Statement for the Allocations sets out how neighbouring authorities and Essex County Council were consulted throughout the preparation of the Plan. Councils who raised objections during the consultation were invited to meet with officers to discuss their concerns further as set out in the Statement. Discussions with the highways authority took place throughout the preparation of the Allocations.

Whilst neighbouring authorities and Essex County Council were consulted throughout the preparation of the HAAP, as set out in the Consultation Statement, no cross-boundary issues were identified by neighbouring authorities. The Council has engaged with the highways authority in relation to Hockley.

- vii) Has a Habitats Regulations Assessment been prepared?  
Yes. A HRA has been submitted and approved by Natural England for both the Plans.

- viii) Have all other relevant legal obligations been met in the preparation of the RASD and the HAAP?  
Yes.

In advance of the pre-hearing meeting on 19 June 2013 it would be helpful if the Council prepared a short note not only giving a direct answer to the question but also providing any further explanation or links to relevant documents. This is to assist representors as well as myself and should be treated as an opportunity for the Council to ‘double check’ that it is satisfied that relevant legal requirements have been met. The note should be sent to the Programme Officer by **Wednesday 12 June 2013**. It should also be posted on the examination website and hard copies made available at the pre-hearing meeting.

From my inspection of the various documents I have 2 specific points to raise as follows:

Question i) Has the Local Development Scheme been updated, as requested, both in hard copy and on the website, to reflect the latest timeline information?

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Yes. The Local Development Scheme was adopted and published on the website in April 2013. It is an on-going, current document.

Question iv) Some representors are critical of the consultation process, particularly in relation to the HAAP and to specific sites in the RASD. Any further comments to deal with these in relation to the Statement of Community Involvement and other public consultation requirements would be welcome. They should specifically address Regulation 18(3) of the Town and Country Planning (Local Planning) (England) Regulations 2012 which requires that “In preparing the local plan, the local planning authority must take into account any representation made to them in response to invitations under paragraph (1)”

The HAAP has evolved taking into account consultation responses received throughout its preparation since 2008 as detailed in the Consultation Statement. In particular, the 2009 Issues and Options Document was significantly revised as a result of the feedback received through community involvement, and the concerns raised through this consultation were addressed within the 2010 Options Report. The Council engaged significantly with stakeholders at this stage, holding drop-in sessions and presenting the plan to members of the public. Comments received on the 2010 Options Report were then fed into the interim consultation in August 2012 (which was prepared primarily due to the change in government and planning policy), the results of which informed the preparation of the submission document.

The Allocations has been prepared since 2010 taking into consideration consultation responses received at each stage. The Council were also mindful of comments raised during the preparation of the Core Strategy. The Submission Document sought to address issues raised during the 2010 consultation, for example flood risk issues through stating in the Concept Statements that only open space would be permitted within areas at risk of flooding, and for Hullbridge in particular where surface water flooding is recognised as an existing issue, that this would need to be addressed. As a further example, additional sites submitted during the 2010 consultation on the Allocations were assessed in further detail alongside the sites included within the Discussion and Consultation Document. Comments raised during the submission consultation have also been taken into account – the Schedule of Changes (Appendix 8 of the Consultation Statement) sets out changes proposed to the Allocations prior to submission. These changes have been encompassed within the Allocations Submission Document (April 2013).

The preparation of both the HAAP and the Allocations has been in compliance with the Statement of Community Involvement, using a wide range of media to advertise community engagement and consultation events. The Council operates a mailing list for those individuals interested in planning policy and the development of the District, who are informed when such events are planned to take place, and are invited (either through email or letter) to participate. The Council also advertises such events on its website, Parish Council notice boards, in local media and within the Council newspaper, Rochford District Matters, where appropriate. The Council has sought to use a wide range of engagement techniques, comprising drop-in sessions, public exhibitions, and public meetings (including with the Hockley Residents Association).

Representations

At Appendix 5 of the Consultation Document regarding the RASD a number of representations have been included that are said to have been submitted after the close of the consultation period on 25 January 2013. However, a good number of these comments are date stamped as having been received before that date. Having regard to Regulations 20 and 23 of the Town and Country Planning (Local Planning) (England) Regulations 2012 what is the status of these representations and, in particular, have they been accepted formally as representations or not?

The representations included in Appendix 5 are late representations. They were sent to Great Wakering Parish Council initially and date stamped by them. The Parish Council, however, did not forward them to the District Council until 28 January 2013 – after the consultation had ended – and so were not accepted as formally made. The date stamp which reads ‘Received 28.01.13 Support Services’ was stamped by the District Council.