

## **EXAMINATION OF THE ROCHFORD ALLOCATIONS SUBMISSIONS DOCUMENT (RASD) AND HOCKLEY AREA ACTION PLAN (HAAP)**

### **INSPECTOR'S INITIAL QUESTIONS TO THE COUNCIL REGARDING LEGAL COMPLIANCE AND REPRESENTATIONS**

#### Legal compliance

I have some initial questions of the Council regarding the legal compliance of both Plans. These relate solely to this matter rather than to soundness.

The questions are:

- i) Have the RASD and the HAAP been prepared in accordance with the Local Development Scheme?
- 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?
- iii) Has the preparation of the RASD and the HAAP had regard to the resources likely to be available in implementing their proposals?
- iv) Has the preparation of the RASD and the HAAP been in general accordance with the Statement of Community Involvement and public consultation requirements?
- v) Have the RASD and the HAAP been subjected to satisfactory Sustainability Appraisal?
- vi) Has the Council met its duty to co-operate in the preparation of the RASD and the HAAP?
- vii) Has a Habitats Regulations Assessment been prepared?
- viii) Have all other relevant legal obligations been met in the preparation of the RASD and the HAAP?

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?

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)"

### 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?

*David Smith*

INSPECTOR

17 May 2013