

## Examination into the Rochford Area Action Plan

### GUIDANCE NOTE FROM THE INSPECTOR

#### Introduction

1. The Hearings (which are part of the Examination) into the Rochford Area Action Plan (the Plan) will open at 10:00 hrs on **Wednesday 19 February 2014** within the Civic Suite, 2 Hockley Road, Rayleigh, Essex, SS6 8EB. If it is your intention to attend the Hearings, please report to the Council's main reception where you will be collected and directed to the room.

#### The Inspector's role

2. My task is to consider the soundness of the submitted Plan, based on the criteria set out in paragraph 182 of the National Planning Policy Framework (*the Framework*). The relevant soundness criteria are whether the Plan is:
  - (i) **positively prepared** (based on a strategy that 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);
  - (ii) **justified** (the most appropriate strategy when considered against the reasonable alternatives, based on proportionate evidence);
  - (iii) **effective** (the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities); and
  - (iv) **consistent with national policy** (the plan should enable the delivery of sustainable development in accordance with the policies in *the Framework*).
3. I aim to work with the Council and the Hearing participants to achieve a positive social, economic and environmental outcome for the people of Rochford. Following the close of the Hearings I shall prepare a report to the Council with my conclusions and any modifications the Council asks me to make to the Plan to achieve soundness. I will announce at the last Hearing session when this report is likely to arrive through the Council's (virtual) letterbox. The report will deal with issues, and not with each individual representation.
4. If at any stage of the Examination I consider that main modifications are likely to be required to address potential unsoundness or legal compliance matters, the Council will be asked if it wishes me to recommend the necessary main modifications.

#### The Programme Officer

5. The Programme Officer (the PO) for the Examination is Kerry Freeman. For the purposes of the Examination she works under my direction, independently of the Council. Mrs Freeman can be contacted on: 01702 318073, by e-mail at: [programme.officer@rochford.gov.uk](mailto:programme.officer@rochford.gov.uk) or by post at Rochford District Council, Council Offices, South Street, Rochford, Essex, SS4 1BW.
6. The PO acts as a channel of communication between me and all parties; and she deals with all procedural, administrative and programming matters. All Examination correspondence should be sent to Mrs Freeman at the address above. The PO also keeps the **Examination Library**, which contains the documents that form the evidence base for this Examination. Most of the documents on the Library list will be available in electronic form from the website; anyone interested in viewing hard copies of any of the documents should contact Mrs Freeman. You will also be able to view a regularly updated programme on the website.
7. Any participant who has a disability that could affect their contribution to the Examination should contact the PO as soon as possible so that any necessary assistance can be provided. Any other procedural questions or other matters that anyone wishes to raise with me prior to the Hearings should be made through the PO.

## Number of representations

8. 31 duly made representations from 17 different respondents were received following consultation on the *Proposed Submission Document*, (dated July 2013). The *Post Pre-Submission Document* that I am examining (dated November 2013) includes the changes the Council has made to the *Submission Document*.

## Progressing your representations

9. **The starting point for the Examination is the assumption that the Council has submitted what it considers to be a sound Plan. Those seeking changes must aim to demonstrate why the Plan is unsound by reference to one or more of the soundness criteria referred to in paragraph 3 above.**
10. Respondents may either wish their views to be considered in written form or they may feel that they need to come along and discuss them at a Hearing session. Both methods carry the same weight and **I shall have equal regard to views put at a Hearing session or in writing.**
11. Hearings are open to all, but only those who have made representations relevant to the discussion of an issue at a Hearing session, and have indicated that they want to participate, will be allowed to speak. My initial thoughts as to the Issues for discussion are detailed in Appendix A; however, I wish to give further thought to these matters over the next couple of weeks. I therefore anticipate an official draft will be available to Representors on or around 10 January 2014. A copy will be placed on the website once it is available and details will be circulated to all Representors by the PO. If you wish to participate in any of the Hearing Sessions and crucially your original representations relate to the matters for discussion, please notify the PO by **Friday 10 January 2014.**
12. It is important for everyone to work together during the Examination process on changes that could be made to the Plan, whilst avoiding producing alterations which might render the Plan unsound.

## The Hearing sessions

13. The Hearing sessions, which will focus on the tests of soundness, will take the form of 'round table' discussions rather than the traditional form of a public inquiry. The Council will be invited to make an opening statement, giving some background to the preparation and purpose of the plan. I may then invite other representors to open some of the individual sessions. There will be no formal presentation of evidence or cross-examination, but there will be opportunities for respondents to ask questions of the Council and other respondents, and vice versa. I will chair these discussions.
14. A separate Hearing session will be held for each of the headline matters and related issues. These matters, which are initially set out in Appendix A, are intended to assist me in considering whether the Plan is sound. If you have any queries relating to these matters and issues, please raise them with the PO as soon as possible. It will be for individual participants to check the progress of the Hearings, either from the web site or with the PO, and to ensure they are present at the right time. A short break will be taken mid morning and mid afternoon, with a lunch break at around 1:00 pm.

## Statements

15. It would be useful if all the respondents wishing to participate could prepare a short written statement, addressing the matters in Appendix A which they consider are relevant to them, although they can rely on previous submissions if they have nothing else to add. It would be helpful to me if statements could focus on:
  - What part of the Plan is **unsound**.
  - Which **soundness criteria** it fails.
  - **Why it fails** (probably summarising the key parts of your original representation).
  - How the Plan **can be made sound**.

- The **precise change** and/or **wording** that you are seeking.
16. From the Council I require Statements which say why it considers the Plan to be sound in that particular aspect and why the changes sought by the other parties would make it unsound, or make suggestions for a soundness change. I will also require from the Council a brief written statement to confirm that the procedural and other matters have been appropriately addressed, particularly:
- That the Plan has been prepared in accordance with the statutory procedures;
  - That requirements for Sustainability Appraisal have been met;
  - That any requirements for appropriate assessment under the Habitats Regulations were met before publication; that a statement setting out how the Council has satisfied the requirements of the Duty to Cooperate (DTC) has been provided; and
  - That the Council has undertaken a 'self-assessment' exercise with the submitted Plan.
17. Appendix B sets out the requirements for the presentation of all Statements. It should be thoroughly read and adhered to. Please note the **3,000 word limit**. In order for the Hearing sessions to run effectively, repetition of points should be avoided; a good point made ten times over does not become a better point!
- 18. No more evidence can be submitted once the Hearing sessions have closed unless I expressly invite it.**

#### **Suggested changes**

19. I anticipate that the Council will suggest some further modifications. I have therefore asked the Council to place on the Plan web page schedules of both **suggested main modifications**, which go to soundness, and **minor changes**, both of which will be updated regularly. Respondents should regularly check these lists in case they want to comment on them. I will indicate at the end of the Hearings whether any of the main modifications need Sustainability Appraisal or advertising.

#### **Statements of [Un] Common Ground**

20. Statements of Common or Uncommon Ground are invited where these would be helpful in identifying points either not or in dispute, thereby assisting the Hearings to concentrate on the key issues that truly need public discussion. They could for example include: agreed wording of a suggested change to a policy; factual information; or areas or points of disagreement. **This work should commence now, with the aim of completing them in time to feed into the relevant Hearing Statement.**

#### **Site visits**

21. I shall visit, unaccompanied, unless I need to gain access to private land, all those sites and areas referred to in the representations before, during or after the Hearings. I will consider any requests for accompanied visits at the last Hearing session.

#### **Finally...**

22. It is worth emphasising:
- I shall have equal regard to views put orally or in writing;
  - I need succinct statements in line with the requirements in Appendix B;
  - You must meet the target date for Statements; and
  - Your statement should focus on headline matters and related issues and *the Framework* soundness criteria.

Mike Fox  
December 2013

## Appendix A – Rochford AAP: Key Matters and Issues

### Matter 1: Legal compliance and overall strategy (Sections 1 and 2)

- 1.1 Does the AAP meet all its **legal requirements**, especially in matters such as : the Local Development Scheme (LDS); the Statement of Community Involvement (SCI); the Rochford *Core Strategy* (CS); community/corporate strategies; Rochford Parish Council’s Vision Statement; Habitats Regulations; and the Town and Country Planning (Local Planning) (England) Regulations 2012?
- 1.2 Are there any differences of emphasis between the AAP and the **Core Strategy**?
- 1.3 Has the Council worked collaboratively with other authorities and organisations during plan preparation to the extent that it has complied with its **Duty to Cooperate**? [A critical factor is that the Duty to Cooperate is incapable of modification at the Examination stage.]
- 1.4 **Neighbouring plans and strategies:** How does the AAP relate to the plans and strategies of the remainder of the District and other neighbouring local planning authorities? How far has the AAP taken on board the **plans and programmes of statutory providers and regulatory agencies**, such as transport companies, the Environment Agency, the utility companies, and local businesses and community groups and agencies?
- 1.5 How does the AAP relate to the main recommendations of the **Sustainability Appraisal (SA)**? Is there a clear audit trail between the SA and the reasons for selecting the preferred strategy?
- 1.6 How does the AAP relate to the **Localism Act**, the Government’s **Growth Agenda** and the **National Planning Policy Framework (The Framework)**?
- 1.7 **Sustainability:** There is a need for the Government’s model policy of a presumption in favour of sustainable development or a similarly worded policy.

### Matter 2: A framework for a better Rochford (Section 3 and policy 1)

- 2.1 How robust are the **five key objectives** (page 21)?
- 2.2 How sustainable is the **spatial framework** in Figure 6 and policy 1?
- 2.3 **Housing:** How is the Plan responding to the heightened emphasis in *the Framework* to boost significantly the supply of housing? In view of this emphasis and the requirement in *the Framework* that local plans should set out clear policies on what will or will not be permitted and where, it is important that the AAP gives a steer to the type and quantity of housing development that is likely to be delivered over the plan period. Should the AAP add anything to the *Core Strategy* in terms of the provision of affordable housing in the town centre?
- 2.4 **Retail development:** Is the estimated retail capacity set out in the consultant’s retail report (Ref. EB12) still realistic for Rochford? If so, how does the spatial framework of the AAP respond to this need both in terms of location and phasing?
- 2.5 Is the **transport framework** set out in Figure 7, justified and deliverable within the plan period? Has the potential for increased **pedestrian priority** and **public transport** been maximised in the AAP? Is the AAP sufficiently clear as to what changes/ improvements to the **highway network** are proposed? What are the conservation and landscape implications, if any? Does the AAP need to have a policy stance on **taxis** and **rear service roads**?
- 2.6 **Heritage and the environment:** How much guidance does the Plan provide to ensure that the development of the town centre pays special attention to conservation and archaeological considerations?

### **Matter 3: Proposals Plan, shopping frontages and sites (Section 4 and policies 2, 3 and 4)**

- 3.1 Are the proposed changes to the **town centre boundary** justified and realistic?
- 3.2 How much comparison goods retail floorspace has been completed over the last decade? What level of interest has been expressed from potential developers/retailers in new retail provision in the town centre?
- 3.3 What would happen if the retail growth envisaged in the consultant's study failed to materialise? Would it not be cheaper and more effective to focus on bringing into use empty shop units in the town centre? Is the policy substantively more than being aspirational?
- 3.4 Does the AAP adequately address proposals for **food and drink establishments** and the issues of the **evening economy**?
- 3.5 Are policies 2 and 3 which set the framework for the development of retail and other uses in the **primary and secondary shopping frontages** respectively, together with their proposed locations as defined in Figure 8, appropriate and realistic to meet the needs of the Borough?
- 3.6 Is the management of **employment development at Locks Hill** in policy 4 realistic and consistent with paragraph 22 of *the Framework*?

### **Matter 4: Rochford's Character Areas (Section 5 and policies 5-9)**

- 4.1 Is the **character area-led approach** in policy 5 appropriate and realistic for the town centre?
- 4.2 Do policies 5-9 provide clear strategic direction for **new development** within the town centre, for example in relation to the opportunity sites identified in Figure 6?
- 4.3 *The Framework* (paragraph 182) states that for a local plan to be justified, it has to be the most appropriate strategy when considered against the reasonable alternatives, based on proportionate evidence. Whilst the need for flexibility is recognised, and options can be explained, the AAP needs to make it clear which is the preferred option for the **Market Square**, should resources permit. Failure to do this runs counter to *the Framework* tests of justification and effectiveness, and fails to provide the level of certainty which is necessary for the implementation of the AAP and could prejudice other planning proposals in and around the Market Square.

### **Matter 5: Infrastructure, delivery and monitoring (Section 6 and Table 2)**

- 5.1 Are the key infrastructure providers signed up to the delivery of the key schemes in the AAP? Is the Council aiming to publish an **Infrastructure Delivery Plan**?
- 5.2 Are there any **showstoppers** which threaten to halt the delivery of key schemes in the AAP?
- 5.3 What is the **critical path** for securing the effectiveness of the AAP?
- 5.4 Has a developers' brief been prepared for the Market Square, outlining the likely costs involved and a timetable for implementation?
- 5.5 When is it envisaged that a **CIL** will be adopted by the Council?
- 5.6 How will the **monitoring** arrangements work? Should this matter be addressed by a policy in the AAP?

Mike Fox

29 November 2013

## **Appendix B – Format for Statements**

Please observe the following requirements for written submissions:

1. All Statements should be sent to the PO at the following address:

Kerry Freeman  
Rochford Area Action Plan Programme Officer  
Rochford District Council  
Council Offices  
South Street  
Rochford  
Essex  
SS4 1BW

2. Statements should be no longer than **3,000 words** per matter, whether for a Hearing session or for written representations. Remember – it is the quality of the reasoning that carries weight, not the bulk of the documents.
3. They should be prepared on A4 sized paper, without hard covers and **unbound**, but just stapled and with two holes punched at the side for inclusion in the PO's files.
4. Any **plans or diagrams** should be folded to A4 size and listed as appendices.
5. No additional statements or documents whatsoever will be accepted at the Hearings.
6. Any supporting material should be limited to that which is essential and not contain lengthy extracts from any publication that is already before the Examination.
7. All written submissions should be **paginated** and have a **contents page**.
8. The PO will require 3 hard copies of statements (for the Inspector, PO, Council), together with one electronic copy. Statements received will be placed on the website and circulated to relevant Representors by the PO.
9. All participants should adhere to the following **timetable for submitting statements**:
  - Statements of [Un] Common Ground: in time to feed into Statements, or (as a last resort) at least **2 weeks** before the relevant programmed Hearing, if agreed.
  - Last date for notifying PO of request to participate in Hearings – **Friday 10 January 2014**.
  - All statements from the Council and representors: by midday on **Friday 24 January 2014**. The submitted material will then be made available by the PO.
  - Please note the above deadlines refer to the receipt for **both paper and electronic copies**; it is not sufficient for an electronic copy to be submitted by this time with paper copies to follow.