Ministry of Housing, Communities & Local Government

Rt Hon Matthew Pennycook MP
Minister of State for Housing and Planning
2 Marsham Street
London
SW1P 4DF

Cllr Adi Malviya
Leader of Rochford District Council
Civic Suite
2 Hockley Road
Rayleigh
SS6 8EB

23 November 2026

Dear Cllr Malviya,

I am writing to you regarding the progress of the emerging Rochford Borough Council Local Plan ('the Plan').

Thank you for your response to my previous letter of 30 September and for providing me with the evidence produced in support of the emerging plan and your justifications for the Council's decision of 23 September. Thank you also for your further letter of 6 November.

Having considered the draft Plan and the supporting evidence you provided, I am not convinced that there is a planning or evidential basis for the removal of allocations SR01-SRO6 and remain of the view that removing these allocations could risk the Plan being found unsound at examination.

I recognise the concerns you raise in your letter of 7 October. However, national policy is clear that plans should be positively prepared, providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs. A key function of local plans is to address infrastructure requirements, including transport infrastructure and how any schemes are to be funded and brought forward which should then be tested through an independent examination process. The Council should, therefore, seek positively to address the issues it has identified through a deliverable strategy for homes, jobs and infrastructure, rather than reducing planned provision in response to political concerns without robust evidence and clear planning justification.

In light of the above, I have considered the options available to me under the 2004 Act, including exercising the Secretary of State's powers of intervention.

Section 27 of the 2004 Act provides the Secretary of State with broad default intervention powers where they believe a local planning authority is failing or omitting to do anything it is necessary for them to do in connection with the preparation, revision or adoption of its Local Plan.

It is my firm view that the available evidence demonstrates the Council's decision to remove sites from the Regulation 19 draft plan, which significantly lowers the proposed housing requirement, would substantially increase the risk of the emerging plan being found unsound at examination. This establishes clear evidence of a failure to do something necessary in connection with the preparation of the Plan particularly taking into account the limited time left to prepare a plan in the legacy system. I consider that this meets the statutory test for intervention.

I have also considered the criteria laid out in the Planning Practice Guidance (PPG), which states that intervention under s.27 of the 2004 Act "should have regard to plan progress and local development needs":

- **Plan Progress:** The last Rochford Local Plan was adopted in December 2011, meaning the current plan is almost 15 years old and the policies it contains are likely to be significantly out of date. The Council has been working on their current emerging local plan since at least 2017 with several rounds of Regulation 18 consultation but never reaching Regulation 19 stage. Removal of a substantial number of strategic sites at this stage is likely to result in an unsound plan and subsequently the Council would have to begin the process of preparing a new plan under the new plan making system, further delaying an up-to-date local plan coming forward.

- **Development needs:** The Council's latest Housing Delivery Test (HDT) score is 111% (no consequence). However, as of 1 April 2025, Rochford can demonstrate only a supply of housing for 1.97 years. In 2025 the affordability ratio in the area was 11.06. This is significantly higher than the national average in England of 7.6 highlighting that Rochford is considerably less affordable than the country as a whole. It is also higher than the regional average for East of England (9.02). This is unlikely to change without an up-to-date plan in place.

Taking the above into account, I consider that the intervention criteria are met, and that intervention is justified.

Pursuant to the powers in s.27 of the 2004 Act I am directing the Council as follows:

1. **Prepare the emerging Plan presented to Full Council on 23 September at Appendix A to item 4 for publication, and commence a Regulation 19 consultation on the draft Plan and associated evidence (including completed Integrated Impact Assessment, Sustainability Appraisal and Habitats Regulations Assessment) by no later than 7 December 2026 for a minimum period of 6 weeks;**

2. **Submit the emerging Plan consulted on under the above direction by no later than 31 March 2027, with any proposed minor modifications necessary after full consideration of representations received at consultation. Should proposed modifications be more significant this should be set out to the Secretary of State, to consider whether further action is necessary;**

3. **Not to take any step to withdraw the Plan and report monthly (from the date of this letter) to my officials on the progress of the Plan;**

4. **Progress the Plan up to the end of the examination process;**

Pursuant to s.27(8) of the 2004 Act, the Secretary of State has issued directions under s.27 in order to ensure that the Plan is afforded the best possible opportunity to be adopted under the legacy plan-making system. The intention is to ensure that local communities can comment on the draft Plan and to enable the Inspector to determine whether the Plan is legally compliant and sound.

In order to allow the submission of the plan for examination as per the above directions, I am exercising my powers under paragraphs 4(5) of Schedule 1 to the Levelling-up and Regeneration Act 2023 (Commencement No. 11 and Saving and Transitional Provisions) Regulations 2026 to direct the submission deadline of 31 March 2027.

I previously gave a direction to the Council under section 21A of the 2004 Act, whilst I considered whether to make a direction under section 21 or section 27 of the 2004 Act. The above direction under section 27 supersedes the previous direction given under section 21A.

Local planning authorities are required to publish and maintain a Local Development Scheme (LDS), as set out in s.15(1) of the 2004 Act and s.15(4) of the 2004 Act provides that the Secretary of State may direct changes to a local development scheme where they considers amendments necessary to ensure that the authority's development plan documents fully and effectively cover the whole area.

To ensure full and effective coverage, avoid delays to plan-making and allow for submission of the Local Plan for examination before the December 2026 deadline as per s.15(4) of the 2004 Act, I am directing the Council to:

5. **Publish on your website a revised Local Development Scheme by 7 December 2026 to reflect directions set out above. For avoidance of doubt this should include the following milestones:**

    - **Regulation 19 consultation to commence by no later than 7 December 2026.**
    - **Submission of the Plan for examination by no later than 31 March 2027.**

The above directions will remain in force until withdrawn by the Secretary of State. Should you fail to comply with the directions in this letter, I will consider taking further action.

Notwithstanding this direction I would like to give you an opportunity to set out by 7 December any exceptional circumstances which in your view suggest that intervention is not appropriate in this case. To be clear, this neither alters nor removes the direction set out in this letter.

My officials will maintain ongoing engagement with your officers and will be in touch shortly to discuss next steps.

Best wishes,



RT HON MATTHEW PENNYCOOK MP
Minister of State for Housing and Planning