

Planning Committee

Supplementary report following the announcement on 6 July of the revocation of Regional Spatial Strategies: Implications of the for 5 Year Housing Supply and Current Planning Applications

15 July 2010

Joint Report of Head of Development Control and Major Developments and Head of Planning Policy and Economic Development

PURPOSE OF REPORT

To inform members of the implications of (1) the revocation of Regional Spatial Strategies announced by the Secretary of State on 6 July 2010 and (2) new guidance for local authorities published the same day, for the 5 year housing supply and its impact on current planning applications.

This report is an addendum to, and should be read in conjunction with, the report titled “Letter from the Secretary of State for Communities and Local Government (27 May 2010) on the Abolition of Regional Strategies: Implications of the 5 Year Housing Supply and Current Planning Applications.”

This report is public

Recommendation

The Planning Committee is recommended:

- (1) Note the report and the implications of the revocation of Regional Spatial Strategies with regard to determining planning applications and potential appeals.

Introduction

On 27 May 2010, the Secretary of State for Communities and Local Government wrote to every Local Planning Authority (LPA) and the Planning Inspectorate highlighting the Government’s plans to rapidly abolish regional spatial strategies and stressing that consequently decisions on housing supply (including the provision of travellers’ sites) “*will rest with Local Planning Authorities without the framework of regional numbers and plans*”. A report is contained within the agenda for this Committee which sets out the

details of this announcement and considers some of the implications arising from it.

That report anticipated that a further announcement would shortly be made by the Secretary of State. Such an announcement was made on 6th July when the Secretary of State formally revoked all existing Regional Strategies (including the South East Plan) under powers available to him under s79(6) of the Local Democracy Economic Development and Construction Act 2009. At the same time, the Secretary of State provided some guidance for Local Authorities which seeks to provide clarification on the impact of the revocation and how LPAs should continue to bring forward their Local Development Frameworks and determine planning applications.

Background Information

With the revocation of Regional Spatial Strategies (RSS), there is now no strategic regional planning framework within the South East of England. It is the Secretary of State's intention to introduce new ways for local authorities to address strategic planning and infrastructure issues, however the guidance notes which were issued on 6th July are intended to provide clarification of some key issues in the transitional period. With regard to the roles of the LPA as both the plan making authority and the authority determining planning applications, a number of key points in this guidance are particularly worth noting.

1. All Planning Policy Statements (PPSs) remain in force except (a) for the Policy Statement of Regional Strategies, and (b) where they refer to Regional Spatial Strategies.
2. The development plan, so far as Cherwell District is concerned, only therefore now comprises saved policies.
3. The Secretary of State is keen for LPAs to continue with our plan-making work and in particular to make progress with Core Strategies. As we do this, we may wish to review or revise emerging policies in the light of the revocation of RSSs. Where we decide to do this, we will need to make sure that we continue to meet the Government requirements for our plans to be "sound". Previous Government advice defines "sound" as "justified", "effective" and "consistent with national policy". To be "justified" a plan must be founded on a robust and credible evidence base and must be the most appropriate strategy when considered against reasonable alternatives.
4. The process of independent examination of our plans (Examinations in Public), chaired by a Planning Inspector, will remain. The role of the Examination process will be to assess the "soundness" of the plan and the Inspector will test evidence put forward by local authorities against that put forward by others.

5. We will still need to justify our housing numbers, based on reliable information and will need to defend them during the LDF Examination process.
6. We are still required to provide a 5 year supply of deliverable housing sites (although clearly the basis upon which that calculation will be made will depend on the overall housing numbers set, and justified, by the Council).

In summary, whilst Regional Spatial Strategies have been removed from the planning system, all of the other key elements of the system remain intact (except where they relate to Regional Spatial Strategies), certainly for the time being. Therefore, the vast majority of current government advice and planning policy remains broadly extant. This includes key Government guidance such as PPS3 (Housing) and PPS12 (Local Spatial Planning).

Key Issues for Consideration

In the light of this advice, and the formal revocation of the South East Plan, the questions for the Planning Committee to consider now are as follows:-

1. What weight should now be given to the policies in the South East Plan in determining planning applications?

With the revocation of the South East Plan, there is no Regional Spatial Strategy for the South East of England. The policies of the South East Plan no longer form part of the development plan and should therefore carry no weight.

2. What is Cherwell's housing growth target now, and therefore does Cherwell District have a five year supply of land for housing?

Unfortunately, there is no clear answer to this question. Whilst there is no housing target as was included in the South East Plan for the district to meet, it also follows that there is no alternative housing growth figure on which the council can rely.

We can, however, provide the Committee with the following advice:-

- The guidance from the Secretary of State produced last week is very clear that in considering new housing targets for their areas, local planning authorities must justify the approach we take based on robust evidence which we can defend at a Public Examination. The Secretary of State urges local authorities who wish to review their targets to signal their intention to do this at an early stage.
- There is an evidence base to support the figures that appeared in the South East Plan. Notwithstanding the fact that this Council did challenge this evidence in a number of respects, some parties may consider that it forms a basis for planning decisions until such time as the Council can

prepare and present updated evidence to challenge and amend this. In our view, we should be very cautious about identifying an alternative housing target, and using this as a basis for planning decision, until we have the evidence to support this.

- The proper place to set out and justify any revised housing target is within the Core Strategy. The Secretary of State's guidance requires the council to look afresh at the Draft Core Strategy that we published for public consultation earlier this year if we wish to consider amending our overall housing target. The Council will need to consider the evidence that we need to make an informed decision on this. We may also need to consider consulting further with local people to ensure that any revised target is soundly based and has public support.
- Setting aside the overall housing target for Cherwell District, there is clear published evidence of low levels of housing development in the district. If the South East Plan figures (13,400) are used, this equates to an annual average level of housing building of 670 dwellings. A figure of 12,800 (the figure recommended by the Panel Report following the South East Plan Public Examination) would produce an annual average of 640. A figure of 11,800 (the figure contained in the Draft South East Plan) would produce an average of 590. If this is compared to typical rates of delivery, average annual completions since 1996 have been 592 (and this falls to 440 over the period 2007-10). Projected completions for 2010/11 are c200, although this is expected to rise in future years.

In summary, members are advised to exercise caution in considering the refusal of planning applications on the basis of a revised lower housing target until such time as work has been done to present an appropriate target backed by the proper evidence. The Secretary of State's announcement makes clear that some authorities may decide to retain their existing housing targets and that others may decide to undertake a review. He advises that authorities that decide to review their housing targets "*...should quickly signal their intention to undertake an early review so that communities and land owners know where they stand*". The possibility of a review is being considered together with other issues arising from revocation of the RSS.

However, at the present time applications should be considered on the basis of material planning matters relevant to individual applications, mindful of the need to maintain a delivery of housing in the district but equally mindful of the fact that there is no set housing target within the district against which to calculate whether we have a five years supply.

Implications

Financial:

There are likely to be a number of planning appeals during the transition period that may result in additional cost to the Council, given the existing commitments it is likely that the Development Control and Major Developments reserve will have to be

utilised.

Comments checked by Eric Meadows, Service Accountant 01295 221556

Risk Management: The current transitional period with regard to national planning policy exposes the Council to potential risk of additional planning appeals and the costs associated with them.

Comments checked by Rosemary Watts, Risk and Insurance Manager 01295 221560

Wards Affected

All

Document Information

Background Papers – Letter from Secretary of State to Chief Planning Officers - 27 May 2010

Letter from Secretary of State to Chief Planning Officers - 6 July 2010

Report Author	Jameson Bridgwater – Head of Development Control and Major Developments Philip Clarke – Head of Planning Policy and Economic Development
Contact Information	01295 221810 jameson.bridgwater@cherwell-dc.gov.uk 01295 221840 philip.clarke@cherwell-dc.gov.uk