

OPTIONS FOR EARLY REVIEW OF THE CORE STRATEGY

1 SUMMARY

- 1.1 The Council is committed to an early review of the Rochford Core Strategy. This commitment relates primarily to the requirement for Local Planning Authorities (LPAs) to have in place policies and strategies for delivering the level of housing provision that will enable continuous delivery of housing for at least 15 years from the date of adoption; due to delays in its examination, the end date for the Rochford Core Strategy is less than fifteen years.
- 1.2 This report considers options in the approach the Council may take to a review of the Core Strategy, and seeks Members' views on the way forward.

2 INTRODUCTION

- 2.1 On 13 December 2011 the Council adopted the Rochford Core Strategy. The Rochford Core Strategy contains policies and strategies that address an array of different planning issues for the District, including the provision of housing.
- 2.2 The Core Strategy was required to conform to Government policy. Government policy (contained within PPS3) includes the following requirement:-

“Local Planning Authorities should set out in Local Development Documents their policies and strategies for delivering the level of housing provision, including identifying broad locations and specific sites that will enable continuous delivery of housing for *at least 15 years from the date of adoption*, taking account of the level of housing provision set out in the Regional Spatial Strategy” (my emphasis).
- 2.3 The Rochford District Core Strategy was submitted to the Planning Inspectorate for independent examination in January 2010. The Core Strategy includes policies that enable the provision of housing until 2025.
- 2.4 The role of the Planning Inspectorate is to conduct an examination into the soundness and legal compliance of the Core Strategy on behalf of the Secretary of State. Guidance from the Planning Inspectorate states that the time period between submission and their final report on soundness and legal compliance is six months. That being the case, it was anticipated the final Core Strategy would be adopted in autumn 2010.
- 2.5 However, a number of events, primarily at national level, caused delays to the process. Most notably, statements and instructions issued by the Secretary of State for Communities and Local Government, followed later by Court judgments that these were unlawful.

- 2.6 As a result, the Inspector's final report on the soundness of the Core Strategy – including binding recommendations – was not issued until 27 October 2011.
- 2.7 The Inspector's binding recommendations included a requirement that the Rochford Core Strategy included a commitment to an early review of the Plan, in order to address the issue vis-à-vis 15-year time horizons in respect of housing provision.
- 2.8 On 13 December 2011, Council adopted the Rochford District Core Strategy, including the commitment to an early review.

3 BACKGROUND INFORMATION

NPPF

- 3.1 The Government intends to replace the current suite of National Planning Policy Statements, Planning Policy Guidance and Circulars with a single, streamlined policy document: the National Planning Policy Framework (NPPF). The NPPF will therefore have a significant impact on the Core Strategy review.
- 3.2 The Government has published its draft NPPF. This draft places economic growth and development as being central to the definition of sustainable development and then includes a presumption in favour of sustainable development. Local Plans will be required to conform to the NPPF. In the absence of an up-to-date and consistent Plan, the draft NPPF proposes planning applications should be determined in accordance with the NPPF, including its presumption in favour of sustainable development.
- 3.3 The draft NPPF proposes Councils be required to prepare a Strategic Housing Market Assessment (SHMA) to assess full housing requirements, working with neighbouring Authorities where housing market areas cross administrative boundaries. It states Councils should plan to meet their full requirement for housing and ensure there is choice and competition in the land market to facilitate the delivery of homes on the ground. Furthermore, the draft NPPF states that, in defining Green Belt boundaries, Local Planning Authorities must "ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development".
- 3.4 Rochford District Council reported a number of concerns in respect of the draft NPPF back to Government, for consideration in the House of Commons Communities and Local Government Committee's inquiry into the draft NPPF.
- 3.5 The Council's concerns included that some aspects of the draft NPPF may leave the Green Belt more vulnerable to development than is presently the case. One such point of concern, for example, relates to one criterion for defining the Green Belt boundary through Local Plans, which states "ensure consistency with the Local Plan strategy for meeting identified requirements for sustainable development". Whilst this is a somewhat unclear and

ambiguous criterion, one potential interpretation of this could be that Local Planning Authorities are required to re-draw the Green Belt boundary to accommodate market demands (as opposed to identified development needs) in their totality, with no recognition of the Green Belt as a constraint. The Council raised the concern that, if such an interpretation was deemed correct, it would be tantamount to an end to Green Belt policy.

- 3.6 The Council was not alone in expressing concerns with the draft NPPF. Indeed, the House of Commons Communities and Local Government Committee has suggested a number of alterations be made.
- 3.7 The final NPPF is expected to be published before the end of March 2012.

Legal Challenge to Adopted Core Strategy

- 3.8 On 19 January 2012, Rochford District Council received notification of a legal challenge to the Core Strategy.
- 3.9 The legal challenge has been brought by Cogent Land LLP; the challenge seeks to quash policies H1, H2, H3 and paragraphs 4.1 to 4.31 in the Core Strategy, which relate to Housing. The rest of the Core Strategy is unaffected by this challenge. Until the challenge is determined, the whole of the Core Strategy has full effect, as adopted.
- 3.10 Counsel has been instructed to defend this claim. Formal grounds of resistance to the claim have been filed with the Court. The hearing has been listed to be heard over two days in Cardiff on 31 May and 1 June 2012.

4 OPTIONS FOR EARLY REVIEW

- 4.1 There are a number of options that can be considered in terms of the form the early review of the Core Strategy could take. These are set out below, together with resource, timescale and other implications. Once a preferred option for review is agreed a project plan can be prepared, to include a detailed timetable and costs.

Option A: Review Core Strategy in its Entirety

Prepare a new plan to reflect the NPPF, Localism Act and new evidence base (including demographic studies and housing market assessment). Other areas of evidence base may be required to be updated, including retail and employment studies.

Resource use:	High
Cost:	Very high
Estimated time from start to adoption:	4 years
Other issues:	-

Option B: Review Housing Policies in their Entirety

Spatial and phasing aspects of housing policies revised, with the review commencing with a new issues and options stage and housing policies developing and evolving iteratively through to submission. Consultation, community involvement and appraisal would be undertaken at each stage. Housing policies would reflect NPPF, Localism Act and new evidence base (including new demographic studies and housing market assessment). Any changes to housing policies may necessitate changes to other policies, e.g., employment, as in-combination effects would need to be reviewed.

Resource use:	High
Cost:	High
Estimated time from start to adoption:	3 years
Other issues:	Impact of changes to housing policies (if any) on other policies would need to be reviewed

Option C: Quantum in Policies H2 and H3 Revised to Ensure Adequate Housing Provision to 2031

Policy time frames extended to 2031. Broad strategy and approach to distribution of housing as per existing Core Strategy with housing figures revised to provide 1,500 additional dwellings within locations identified. This would require investigation as to whether general locations identified in the Core Strategy are capable of accommodating additional dwellings, plus appraisal of environmental impacts and sustainability of such an approach. Further consultation would be required, including community involvement.

Resource use:	Medium
Cost:	Low
Estimated time from start to adoption:	2 years
Other issues:	<ul style="list-style-type: none">• Plan may not conform to NPPF;• No opportunity to review evidence base to determine appropriate total housing figure for District

Option D: Additional Policy to Core Strategy Covering Period 2025-2031

Core Strategy retained as per adopted version, with addition of policy for housing development 2025-2031. 2025-2031 policy to reflect NPPF and updates to evidence base, and will account for preceding delivering rate 2012-2025 (i.e., it may not entail provision of 250 dwellings per annum - may be an increase or decrease depending on final NPPF and revised evidence base).

New policy to be developed from issues and options, and subject to consultation and appraisal.

Resource use:	Low / medium
Cost:	Low
Estimated time from start to adoption:	1.5 years
Other issues:	<ul style="list-style-type: none"> • No opportunity to review Core Strategy policies for housing development to 2025. • Core Strategy to 2025 may not account for NPPF.

Option E: Re-Consider and Revise Policy H3

Policy for housing distribution to 2021 remains as per adopted Core Strategy. Policy for housing distribution post-2021 amended and extended to 2031. 2021-2031 housing distribution to reflect updates to evidence, and will account for preceding delivery rate 2012-2021 (i.e., it may not entail provision of 250 dwellings per annum – may be an increase or decrease, depending on final NPPF and revised evidence base). A new policy to be developed from issues and options, and subject to consultation and appraisal, reconsidering current approach for housing 2021-2025.

Studies may determine that no change to Policy H3 is required, i.e., if evidence base indicates that no additional housing required from that proposed in current Core Strategy, current policy for post-2021 housing development will be adequate. However, such a scenario is unlikely if the NPPF remains in its current form.

Resource use:	Medium
Cost:	Low / medium
Estimated time from start to adoption:	1.5 years
Other issues:	<ul style="list-style-type: none"> • No opportunity to review Core Strategy policies for housing development to 2021. • Core Strategy to 2021 may not account for NPPF.

5 RECOMMENDATION

- 5.1 It is proposed that the Sub-Committee considers the various options for early review of the Core Strategy and **RECOMMENDS** which option is to be pursued, or alternatively, whether a different course of action should be taken.

Shaun Scrutton

Head of Planning and Transportation

Background Papers:-

None.

For further information please contact Samuel Hollingworth on:-

Phone: 01702 318191

Email: samuel.hollingworth@rochford.gov.uk

If you would like this report in large print, Braille or another language please contact 01702 318111.