

LOCAL DEVELOPMENT FRAMEWORK PANEL – 4TH AUGUST 2010
Report on the Implications of the Abolition of the Regional Spatial Strategy.
(The East of England Plan.)

Agenda Item 7

Portfolio Area:	Cllr Harley Cabinet Member for Enterprise and Culture
Report Presented by:	Eleanor Dash Planning Policy Manager
Background Papers:	Core Strategy Submission Draft published May 2010 The East of England Plan Letter from Secretary of State for Communities and Local Government 6.7.10. Representations on Core Strategy Submission Draft (available in full on website via Planning Policy Consultation Portal) Please refer to table at end of report.
Corporate Implications:	
Options:	To continue with preparation of Core Strategy, delay it ,or abandon it. To continue with RSS Housing Requirement, increase it or decrease it. To continue with the RSS Gypsy and Traveller requirement, or to replace it with the RSS Option 1 figure or a requirement based upon the Essex GTAA evidence.
Risks:	That the Core Strategy could be found unsound.

Executive Summary

This report sets out Government guidance on the impact of the revocation of Regional Spatial Strategies.(RSS) It assesses the implications of this for the Core Strategy, in particular for the housing and gypsy and traveller requirements. It also summarises the representations commenting upon the impact of the revocation of the RSS on the Core Strategy.

Decision

1. To continue with the preparation of the Core Strategy.
2. To reject the option of increasing the housing requirement.
3. To defer a decision on whether to retain the RSS housing requirement, or to decrease it, until the next Panel Meeting when the representations on the Core Strategy will be considered.
4. To replace the Gypsy and Traveller RSS requirement with the Essex GTAA requirement figures, as these are based upon up to date evidence of needs in the District, giving a requirement of 32 additional authorised pitches by 2021.

1. Background

1.1 At the time of the Secretary of State's confirmation on 6.7.10 that Regional Strategies would be revoked, the Braintree Submission Core Strategy was part way through the pre-submission consultation period.

Comments on the implications of the proposed abolition of the RSS (the East of England Plan) on the Braintree District Core Strategy were invited from everyone on the LDF mailing list. A summary of the main points made in the comments is set out

in Appendix 2. The comments in full are set out in a report as part of the evidence base, on the Planning Policy page of the Council's website. (They are also available as part of the Submission Core Strategy comments through the Planning Policy consultation portal on the website.) These comments were submitted to the Council at a time when the Secretary of State has announced the Government's intention to abolish the RSS, but before the actual abolition had been put in place.

2. Communities and Local Government Guidance for Local Planning Authorities following the revocation of Regional Strategies

2.1 Government guidance on the revocation of Regional Strategies has been sent to Local Authorities as follows:

2.2 The Secretary of State for Communities and Local Government confirmed on 6.7.10 that Regional Strategies will be revoked. In the longer term the legal basis for Regional Strategies will be abolished through the "Localism Bill" that will be introduced in the current Parliamentary session. New ways for local authorities to address strategic planning and infrastructure issues based on cooperation will be introduced. This guidance provides some clarification on the impact of the revocation; how local planning authorities can continue to bring forward their Local Development Frameworks (LDFs); and make planning decisions in the transitional period.

Under what powers are Regional Strategies being revoked?

2.3 Regional Strategies have been revoked under s79(6) of the Local Democracy Economic Development and Construction Act 2009 and no longer form part of the development plan for the purposes of s38(6) of the Planning and Compulsory Purchase Act 2004. This guidance covers the period between revocation of Regional Strategies and legislation to abolish them altogether.

Do Planning Policy Statements (PPSs) remain in force?

2.4 Yes. The Policy Statement on Regional Strategies (February 2010) is cancelled, and references to Regional Strategies in other Policy Statements are no longer valid. But all other PPSs will continue to apply until they are replaced by the National Planning Framework.

How will this affect planning applications?

2.5 In determining planning applications local planning authorities must continue to have regard to the development plan. This will now consist only of:

- Adopted DPDs
- Saved policies; and
- Any old style plans that have not lapsed.

Local planning authorities should also have regard to other material considerations, including national policy. Evidence that informed the preparation of the revoked Regional Strategies may also be a material consideration, depending on the facts of the case. Where local planning authorities have not yet issued decisions on planning applications in the pipeline, they may wish to review those decisions in light of the new freedoms following the revocation of Regional Strategies. The revocation of the Regional Strategy may also be a material consideration.

Should we continue preparing LDF documents?

2.6 Yes – the revocation of Regional Strategies is not a signal for local authorities to stop making plans for their area.

Local planning authorities should continue to develop LDF core strategies and other DPDs, reflecting local people's aspirations and decisions on important issues such as climate change, housing and economic development.

These local plans will guide development in their areas and provide certainty for investors and communities. Local authorities may wish to review their plans following the

revocation of Regional Strategies. We recommend reviews should be undertaken as quickly as possible.

How does this affect adopted local plans / LDFs?

2.7 Adopted DPDs and saved policies will continue to provide the statutory planning framework. Local authorities may decide to review these now that Regional Strategies have been revoked. There is no need to review the whole LDF, only those issues or policies which local authorities wish to revisit. When undertaking consultation and sustainability appraisal on their draft policies, authorities should take an approach that considers the stage reached, the extent of work already undertaken and the scope of the policy changes they are making.

What if my LDF document is still being prepared?

2.8 Where local planning authorities are currently bringing forward development plan documents they should continue to do so. Authorities may decide to review and/or revise their emerging policies in the light of the revocation of Regional Strategies. Where authorities decide to do this they will need to ensure they meet the requirements for soundness under the current legislation. When undertaking consultation and sustainability appraisal on their draft policies, authorities should take an approach that considers the stage reached, the extent of work already undertaken and the scope of the policy changes they are making.

Will Examinations in Public continue for DPDs?

2.9 Yes – where local planning authorities are bringing forward new development plan documents or reviewing adopted plans they should present evidence to support their plans. The examination process will continue to assess the soundness of plans, and Inspectors will test evidence put forward by local authorities and others who make representations.

Will data and research currently held by Regional Local Authority Leaders' Boards still be available?

2.10 Yes. The regional planning function of Regional LA Leaders' Boards – the previous Regional Assemblies – is being wound up and their central government funding will end after September this year. The planning data and research they currently hold will still be available to local authorities for the preparation of their local plans whilst they put their own alternative arrangements in place for the collection and analysis of evidence. Notwithstanding, the new Government regards the Regional Leaders' Boards as an unnecessary tier of bureaucracy.

Clarification on policy issues

2.11 *There are a number of areas where Regional Strategies supplemented the national policy framework. Further clarification on these areas is set out below.*

Who will determine housing numbers in the absence of Regional Strategy targets?

2.12 Local planning authorities will be responsible for establishing the right level of local housing provision in their area, and identifying a long term supply of housing land without the burden of regional housing targets. Some authorities may decide to retain their existing housing targets that were set out in the revoked Regional Strategies. Others may decide to review their housing targets. We would expect that those authorities should quickly signal their intention to undertake an early review so that communities and land owners know where they stand.

Will we still need to justify the housing numbers in our plans?

2.13 Yes – it is important for the planning process to be transparent, and for people to be able to understand why decisions have been taken. Local authorities should continue to collect and use reliable information to justify their housing supply policies and defend them during the LDF examination process. They should do this in line with current policy in PPS3.

Can I replace Regional Strategy targets with “option 1 numbers”?

2.14 Yes, if that is the right thing to do for your area. Authorities may base revised housing targets on the level of provision submitted to the original Regional Spatial Strategy examination (Option 1 targets), supplemented by more recent information as appropriate. These figures are based on assessments undertaken by local authorities. However, any target selected may be tested during the examination process especially if challenged and authorities will need to be ready to defend them.

Do we still have to provide a 5 year land supply?

2.15 Yes. Although the overall ambition for housing growth may change, authorities should continue to identify enough viable land in their DPDs to meet that growth. Strategic Housing Market Assessments and Strategic Housing Land Availability Assessments can help with this. Local planning authorities should continue to use their plans to identify sufficient sites and broad areas for development to deliver their housing ambitions for at least 15 years from the date the plan is adopted. Authorities should also have a five year land supply of deliverable sites. This too will need to reflect any changes to the overall local housing ambition.

How do we determine the level of provision for travellers’ sites?

2.16 Local councils are best placed to assess the needs of travellers. The abolition of Regional Strategies means that local authorities will be responsible for determining the right level of site provision, reflecting local need and historic demand, and for bringing forward land in DPDs. They should continue to do this in line with current policy. *Gypsy and Traveller Accommodation Assessments* (GTAAAs) have been undertaken by all local authorities and if local authorities decide to review the levels of provision these assessments will form a good starting point. However, local authorities are not bound by them. We will review relevant regulations and guidance on this matter in due course.

Does the abolition of the hierarchy of strategic centres mean the end of policies on town centres?

2.17 No. Local authorities must continue to have regard to PPS 4: *Planning for Sustainable Economic Growth* in preparing LDFs and, where relevant, take it into account in determining planning applications for retail, leisure and other main town centre uses.

In assessing any planning applications proposing unplanned growth in out of town shopping centres, particularly those over 50,000 sq m gross retail floor area, local authorities should take account of the potential impacts of the development on centres in the catchment area of the proposal.

What about regional policies on the natural environment?

2.18 Local authorities should continue to work together, and with communities, on conservation, restoration and enhancement of the natural environment – including biodiversity, geo-diversity and landscape interests. Authorities should continue to draw on available information, including data from partners, to address cross boundary issues such as the provision of green infrastructure and wildlife corridors.

What about regional policies on Flooding and Coastal Change?

2.19 Local authorities should continue to work together across administrative boundaries to plan development that addresses flooding and coastal change. For flooding matters local authorities already have a duty to co-operate under the Floods and Water Management Act. The Environment Agency will continue to work with local authorities individually and/or jointly to provide technical support on these matters. The Coalition agreement is clear that we should prevent unnecessary building in areas of high flood risk.

What about regional policies on Renewable and Low Carbon Energy?

2.20 Through their local plans, authorities should contribute to the move to a low carbon economy, cut greenhouse gas emissions, help secure more renewable and low carbon energy to meet national targets, and to adapt to the impacts arising from climate change. In doing so, planning authorities may find it useful to draw on data that was collected by the Regional Local Authority Leaders' Boards (which will be made available) and more recent work, including assessments of the potential for renewable and low carbon energy.

What about regional policies on Transport?

2.21 Local authorities should continue to ensure their land use and local transport plans are mutually consistent, and deliver the most effective and sustainable development for their area. Local authorities should work with each other and with businesses and communities to consider strategic transport priorities and cross boundary issues.

3. Implications of the RSS Revocation for the Braintree Core Strategy

Preparation of the Core Strategy

3.1 The first issue that the Council needs to address is whether to continue with the Core Strategy, or delay the preparation of the Strategy to wait for the new legislation, or abandon the current Core Strategy and start again based upon a new locally determined housing requirement.

3.2 The Communities and Local Government Guidance states that '*the revocation of Regional Strategies is not a signal for local authorities to stop making plans for their area.*'

3.3 There are good reasons to continue with preparation of the Core Strategy:-

- The need for an adopted strategy to provide for market and affordable housing, regeneration, economic needs and environmental needs of the District.
- Delay would lead to the evidence base becoming out of date.
- Abandoning the Core Strategy, or delaying it, could lead to 'planning by appeal' with developers submitting applications outside development boundaries, or contrary to policy, challenging the 5 year housing supply in the absence of housing allocations in the Core Strategy.

The Housing Requirement

3.4 The second issue that the Council needs to address is whether to replace the housing requirement specified for this District in the East of England Plan (7,700 dwellings 2001-2021, an annual average of 385 dwellings) with a locally determined figure, or to continue with the East of England Plan requirement.

3.5 The RSS Option 1 figure, (ie the number of units put forward by the Regional Assemblies in the draft RSS, prior to intervention by the Examination Panel, or Government Office) was 7,700 dwellings- the same as the final requirement in the RSS adopted plan. Therefore reverting to this figure, as suggested in the CLG guidance note, does not present a further option.

3.6 The housing requirement choices open to the Council are therefore as follows:

- To retain the RSS housing requirement figure in the Core Strategy (7,700 dwellings 2001-2021).
- To increase the housing requirement.
- To decrease the housing requirement.

3.7 The Core Strategy housing requirement was the subject of consideration by the RSS Examination in Public Panel and found to be appropriate. The level of growth for Braintree District was a reduction of the previous Essex Structure Plan requirement. Braintree District had made representations during the preparation of the East of England Plan stating that there needed to be a more equitable balance between jobs and homes in this District, to prevent a further increase in out-commuting and this had been accepted by the RSS Panel. The RSS figure for Braintree was therefore based upon the local views expressed by this District.

3.8 In order for the Core Strategy to be found sound, the housing requirement must be based upon credible and robust evidence. The retention of the RSS housing requirement figure is based upon the housing and economic evidence underpinning the RSS, which was found sound when the RSS was approved.

3.9 Increasing the housing requirement would be contrary to the aims to provide a sustainable balance of development between employment and housing growth without an increase in out-commuting. It would require re-writing the Core Strategy, with a need for new evidence to assess the impact of the higher housing requirement upon transport, water/sewage and other infrastructure, together with a new Strategic Environmental Assessment and public consultation on a new spatial strategy. This would give rise to considerable cost and additional delay. (See also problems outlined in paragraph 3.3 associated with delay.)

3.10 Past trends of housing completions are not a good indication of future requirements. They demonstrate previous housing requirements, and market demand for housing at that time including in-migration and have been recognised as leading to high levels of out-commuting from this District.

Dwelling Completions in Braintree District

3.11 The rate of dwelling completions has fluctuated considerably. The housing construction industry is generally more volatile compared with other sectors of the economy, and this has been accentuated in recent years with marked booms and slumps in response to market conditions.

3.12 In addition, at local level the level of completions fluctuates as particular large sites come forward. Development trends in Braintree District are influenced by local factors including timing and phasing of individual developments, developer intentions, and housing supply in neighbouring areas.

3.13 The average level of development required of the district by the Essex and Southend on Sea Replacement Structure Plan (plan period 1996-2011) was 687 dwellings per annum. This was broadly similar to the previous Structure Plan. Large housing allocations were made in the District Local Plan to provide for this growth, notably the three new neighbourhoods at Marks Farm Braintree; Great Notley

Garden Village; and Maltings Lane, Witham. Large brownfield developments such as East Braintree, Bridge Hospital Witham, St Michaels Hospital Braintree, the old Tabor school site Braintree, and land at Spring Lodge Witham have added significantly to housing supply.

3.14 Annual net dwelling completion rates in Braintree District are shown below, illustrating the fluctuations. Looking back over the past decade, development rates in the District have generally been high, fuelled by in-migration from London and districts near London.

3.15 The mean annual average over the decade 2000-2009 was 651; the mean annual average over the 5 year period 2005-2009 was 513. The trend shows a marked contrast between the years of the housing boom and the recent housing market crash.

Year		Year	
2000-2001	1092	2005-2006	507
2001-2002	647	2006-2007	658
2002-2003	659	2007-2008	628
2003-2004	854	2008-2009	323
2004-2005	693	2009-2010 (draft)	436

3.16 The East of England Plan proposed a reduction in housing development rates in this district to give a period of respite, in recognition of the pressure on infrastructure and housing-employment alignment. The focus of development in the region changes to include proposals for major growth at Harlow, Norwich, Peterborough and Cambridge.

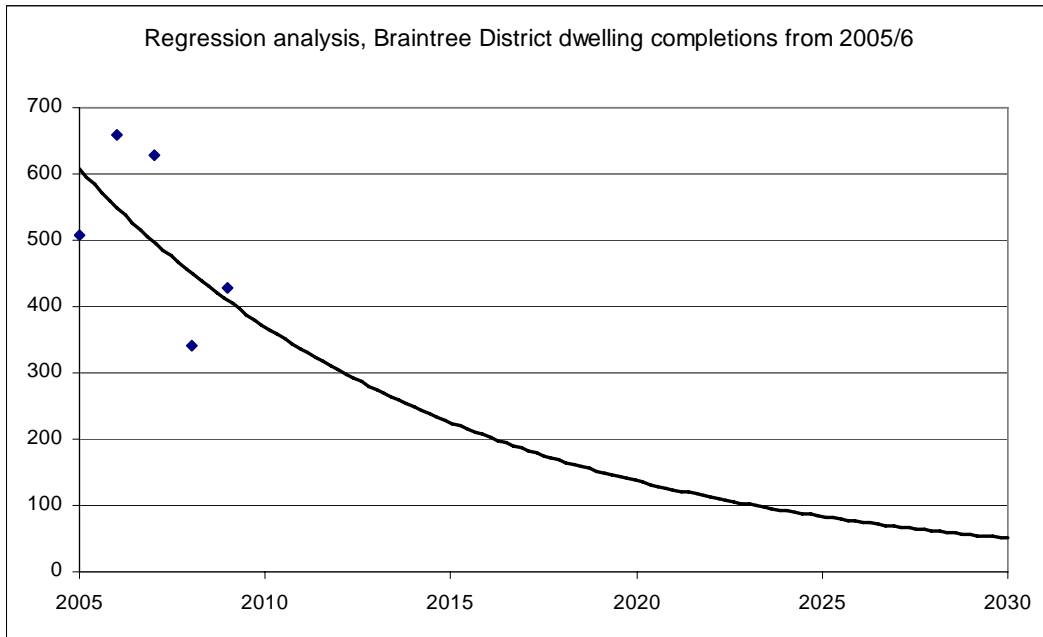
3.17 For Braintree District, the Draft East of England Plan proposed an average annual rate 1996-2021 of 385 dwellings. By the time the Plan was adopted, as development in the District had continued at higher rates, the average annual rate required for the District 2006-2021 had reduced to 290 dwellings. This was in contrast to many districts in the region where a substantial increase in development rates was called for and the residual rate required increased.

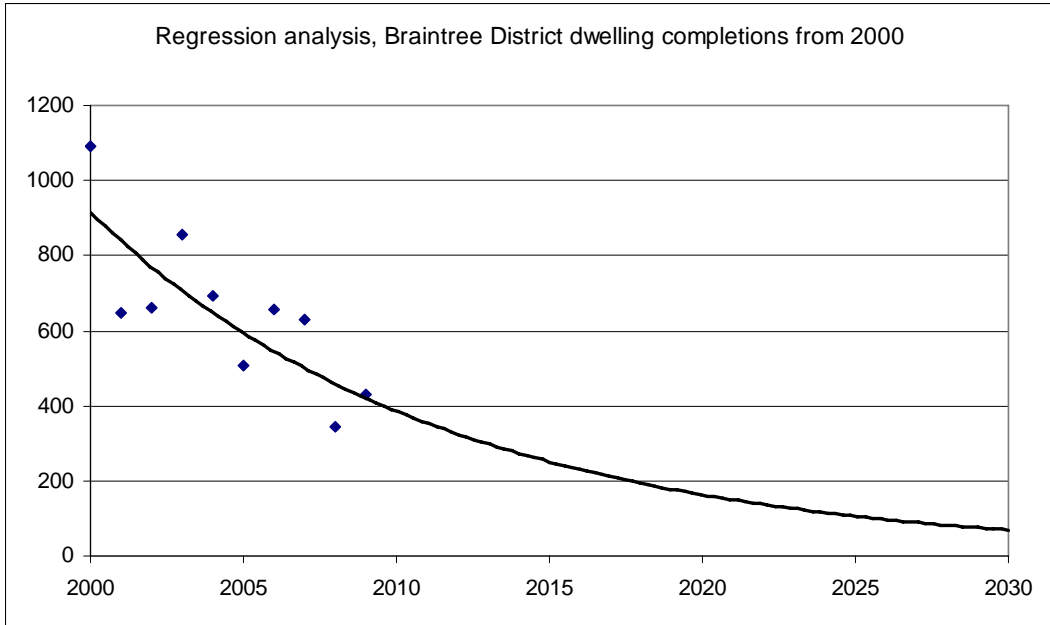
3.18 The influence of net in- migration on growth in the District is illustrated by the information published by the Office for National Statistics on local population estimates 2001-2009, components of change, set out below. Overall, migration has far exceeded natural change, but has also been more volatile.

3.19 Mid 2001 to Mid 2009 population estimates: components of population change for Braintree District by year (source Office for National Statistics, as at July 2010): (population expressed in thousands; totals may not sum exactly due to rounding)

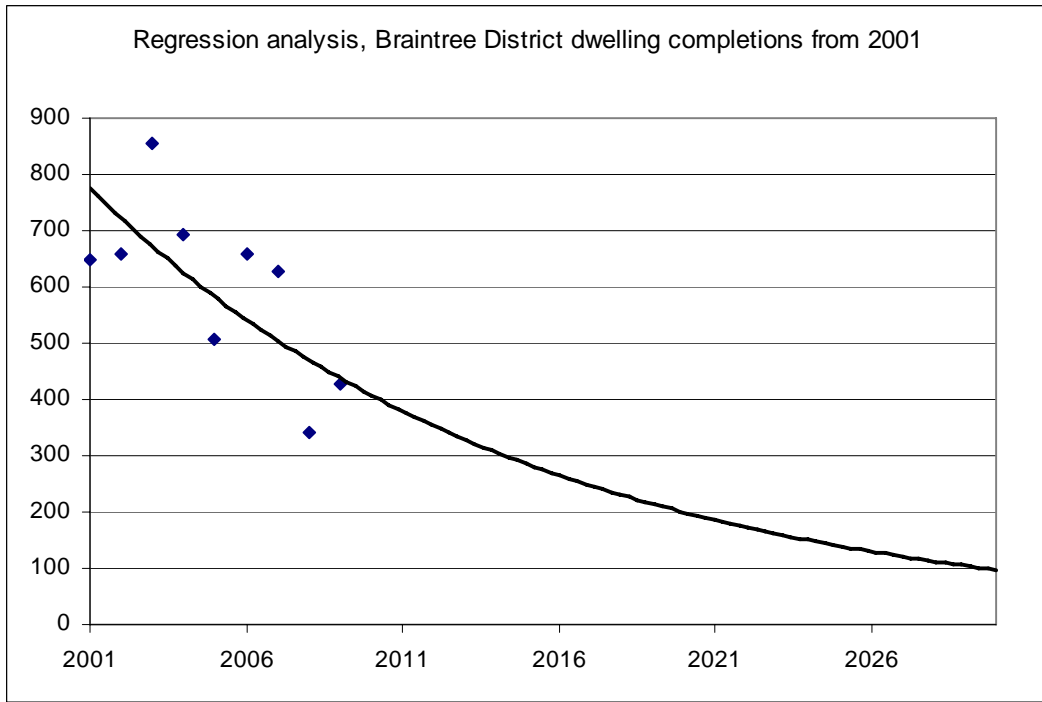
	Population at mid year start of change period	Live births	Deaths	Natural change	Net migration & other changes	Total change	Population at mid year end of change period
2001-2002	132.5	1.5	1.3	0.1	1.4	1.6	134.0
2002-2003	134.0	1.5	1.4	0.2	1.2	1.4	135.4
2003-2004	135.4	1.6	1.3	0.3	1.3	1.5	137.0
2004-2005	137.0	1.6	1.3	0.3	1.3	1.6	138.6
2005-2006	138.6	1.6	1.2	0.4	0.9	1.3	139.8
2006-2007	139.8	1.8	1.2	0.6	0.6	1.1	141.0
2007-2008	141.0	1.8	1.3	0.5	0.9	1.4	142.4
2008-2009	142.4	1.7	1.3	0.4	-0.1	0.4	142.7
Total 2001-2009		13.1	10.3	2.8	7.5	10.3	

3.20 As requested, regression analysis has been carried out projecting the trend from dwelling completions over the past 5 years, and the past 10 years, on to the next 30 years (note: regression analysis is not normally used in this context, bearing in mind the volatility of development rates, and the complexity of the factors affecting development rates in a particular district).

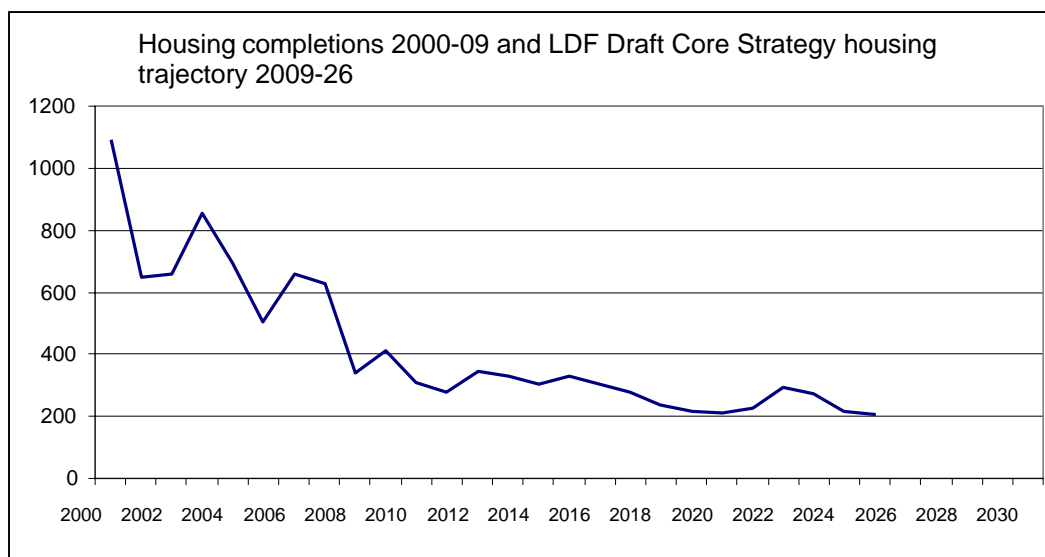




In addition, the chart below shows analysis from 2001.



3.21 For comparison, the chart below illustrates the housing trajectory from the Local Development Framework Draft Core Strategy, showing actual completions 2000-2009 as above compared with projected completions 2009-2026 (the draft result for 2009/10 was close to the projected figure).



3.22 Decreasing the housing requirement would not provide for market or affordable housing need set out in the Strategic Housing Market Assessment, in the Core Strategy evidence base. The SHMA identified both an affordable housing need and an overall housing demand figure in excess of the level of housing being provided within the Core Strategy. The net requirement for affordable housing, taking in to account supply as well as need, at 375 units per annum, exceeds the total level of new house-building proposed in the Plan.

Decreasing the housing supply would also not provide for regeneration and support for the economy of the District associated with new house building.

Employment Target

3.23 The issue of whether the employment requirement specified for this District in the East of England Plan should be replaced with a locally determined figure, or whether to continue with the East of England Plan jobs target is not relevant to this District.

3.24 The East of England Plan did not specify a jobs target for this District alone, instead it set out an indicative target of 56,000 net growth in jobs for the "Rest of Essex" which included Braintree District. However, the Core Strategy Submission document set a higher jobs target for this District, of 14,000 new jobs between 2001 and 2026, based on the findings of an evidence base local needs study undertaken by Cambridge Econometrics, for the Council. The abolition of the RSS therefore does not affect the Council's employment target set out in the Core Strategy.

Gypsy and Traveller Requirements

3.25 A Revision to the Regional Spatial Strategy on the subject of Accommodation for Gypsies and Travellers and Travelling Showpeople was published in July 2009. This set out a requirement for Braintree District of a minimum of 25 additional pitches between 2006-2011. It stated that beyond 2011 provision should be made for an annual 3% compound interest in residential pitch provision, equivalent to 1,038 additional pitches between 2011 and 2021, distributed on the basis of districts accommodating the same proportion of the regional requirement as for 2006-2011. This has been calculated to mean a further 17 pitches in Braintree District by 2021.

It also set out a requirement for 30 additional transit pitches and 103 additional travelling showpeople plots between 2006-2011 in Essex, Southend-on-Sea and Thurrock.

3.26 In accordance with the RSS requirement, the Core Strategy Submission Draft set out a requirement for an additional provision of 23 authorised pitches in Braintree District by 2011, as 2 additional pitches had already been provided at Sandiacres in Cressing. It also set out a requirement for a further 17 authorised pitches by 2021 in Braintree District, plus provision for 5 transit pitches by 2013 and a further 1 transit pitch by 2021 and one additional plot for travelling showpeople by 2021.

3.27 The RSS Option 1 figure, (ie the number of units put forward by the Regional Assemblies in the draft RSS, prior to intervention by the Examination Panel, or Government Office) was set out in Draft Policy H4 . It calculated a need for 16 pitches in Braintree District and accordingly set out a draft requirement for 16 pitches between 2006-2011 and a requirement for a further 16 pitches after 2011.

3.28 Braintree District Council supported draft Policy H4 and considered that the proposed additional pitches required in Braintree District, between 2006 and 2011 (16 pitches), would meet gypsy and traveller accommodation needs in this District and that the level of additional pitches required in this District was justified by the studies of gypsy and travellers needs that have been prepared previously. Braintree District Council also supported the proposed post 2011 annual 3% increase in the level of overall residential pitch provision for this District, subject to this being tested through a revised gypsy and traveller accommodation assessment for the area.

3.29 At the Examination in Public (EiP), Braintree objected to an increase which was being suggested to contribute to wider regional needs of green belt authorities. However the EiP Panel considered that Braintree District was well situated in relation to needs to be met in Essex and in the west from Cambridgeshire, to accommodate slightly increased provision, thereby reducing the concentration on areas of highest existing provision in the county distribution and achieving greater balance with housing potential. The Panel therefore recommended increasing the provision by 5 pitches in Braintree up to 2011. Beyond 2011 the EiP Panel recommended increasing the pitch requirement in Braintree by 5 to 21.

3.30 The Secretary of State when approving the RSS further increased the provision for this District by 9 to 25 pitches up to 2011.. The reasons given for the increase in this District's provision are:-

'Reflecting the constraints to delivery in Basildon at paragraph 4.18 of the Panel Report, the suitability of Braintree to accommodate higher provision at paragraphs 4.31-4.32 of the Panel Report, and the proximity of Basildon and Braintree, relative to other districts suitable for accommodating higher provision.'

3.31 This Council disagreed with the Secretary of State's decision as he referred to constraints to delivery in Basildon, but has not acknowledged the demand for pitches there. In contrast, the draft Gypsy and Traveller Accommodation assessment carried out for Essex by Fordhams does not identify a particular demand for pitches in

Braintree District, as it lies outside the areas in Essex that have been traditionally preferred by gypsies and travellers.

3.32 There has been a low demand for sites for gypsies and travellers in Braintree District and this is reflected in the low numbers of authorised and unauthorised sites. There is no evidence of additional need within Braintree District. Allocating sites where they are not wanted is not the appropriate response to gypsy and traveller needs, or to the problems being experienced at Basildon.

3.33 The proximity of Braintree to Basildon is also questioned, as clearly the two Districts are not adjacent and are separated by Chelmsford Borough. The Districts in Essex that are adjacent to Basildon are Brentwood, Chelmsford, Rochford, Thurrock and Castle Point. There is no explanation, given by the Secretary of State, as to why these authorities are unsuitable for accommodating higher provision.

3.34 The final RSS requirements for Braintree were therefore not based upon calculated need for this District, but upon need plus a redistribution of existing provision based upon the fact that this was a rural district without green belt. Adopting the RSS Option 1 figures would therefore decrease the gypsy and traveller requirements for Braintree District.

3.35 An Essex Gypsy and Traveller Assessment by Fordham Research was published in November 2009, which forms part of the evidence base for the Braintree Core Strategy. This identified a need for an additional 9 pitches between 2008-2013 plus 18 existing households on unauthorised pitches requiring pitches in the area. This produced a need for an additional 7 pitches between 2013-2021 giving a total requirement of 34 authorised additional pitches between 2008-2021 in Braintree District. It also identified a requirement for 6 short-stay pitches in Braintree District and for one additional plot for travelling showpeople.

3.36 There is no evidence based justification to increase the requirement.

3.37 The options are therefore as follows:

- To retain the RSS gypsy and traveller requirement figure in the Core Strategy (additional pitch provision of 23 by 2011 and a further 17 by 2021- ie total of 40.)
- To use the RSS Option 1 RSS gypsy and traveller requirement which would decrease the Core Strategy figure (additional pitch provision of 16 between 2006-2011 of which 2 have now been provided leaving requirement of 14 by 2011 and a further 15 beyond 2011.- ie a total of 29.)
- To use the Essex Gypsy and Traveller Assessment evidence with an requirement of 34 pitches by 2021 of which 2 have already been provided leaving a requirement of 32 by 2021. Plus requirement for 6 short-stay pitches and for one additional plot for travelling showpeople.

3.38 The following representations on the Core Strategy have been received concerning gypsy and traveller issues:-

Mr D Porth (ID: 61655) , Sturmer PC

We agree that there is a need for more, small sites for gypsies and travellers in suitable sites in Braintree District.

No change suggested.

Mrs Jane Coleman (ID: 224841) , Feering Parish Council

Gypsy and Traveller Sites - no indication as to who meets the costs - and will local residents be consulted?

Mrs Karen Melville-Ross (ID: 61086) , Ashen PC

We object to this policy which appears to be driven entirely by the reviewed regional spatial policy published last year with little regard for local considerations. In the light of the Secretary of State's letters dated 27th May 2010 and 25th June 2010 and the PINS guidance to which we have referred above it is essential that this part of strategy is made subject to local review before the Core Strategy is submitted to the Secretary of State. The latest statistics at January 2010 show that the District already accommodates some 70 traveller sites and there is no requirement for show person provision. Circular 4/2006 recognises the importance of community involvement in these important but sensitive decisions.

Miss Joanna Hardwick (ID: 178519) , Environment Agency

We support that following criteria included in the policy which should be used to identify sites and plots: 'sites should be located, designed and screened to minimise their impact on the environment', 'sites should be located within areas not at risk of flooding', and 'sites should be capable to being provided with drainage, water supply and other necessary utility services'. (Officer comment- these criteria are set out in the policy.)

The spatial strategy is inflexible and should be amended accordingly.

Mr D Porth (ID: 61655) , Sturmer PC

All such sites should be carefully supervised and the users advised of the law by which they live on such sites.

No change suggested.

Mrs Jennifer Candler (ID: 61727) , Maldon District Council

Braintree District Council should work with Maldon District Council and other neighbouring local authorities to ensure cross-boundary coordination on the provision for gypsies and travellers and travelling people, in order to ensure that pitches are appropriately located in order to reduce or mitigate against potential adverse impacts.

(None suggested.)

3.39 It is recommended that the Core Strategy should replace the RSS requirement with the Essex GTAA requirement figures as these are based upon up to date evidence and are only an increase of 3 pitches by 2021 over the RSS Option 1 figures.

These would be a requirement of 32 additional authorised pitches by 2021.

3.40 The requirements for transit pitches and for one additional plot for travelling showpeople would remain unchanged, as these are already based upon the GTAA study requirements.

Impact of Deletion of Other RSS Policies

3.41 It is considered that the deletion of other RSS policies will not give rise to a problem, as the issues that they covered can largely be dealt with by reference to

national policy guidance, or to saved policies in the adopted Local Plan Review. The preparation of development management policies for this District will examine this matter and seek to provide new policies to cover any gaps.

Corporate Implications				
Financial:	n/a			
Legal:	n/a			
Equalities & Diversity:	As set out in Core Strategy			
Customer Impact:	As set out in Core Strategy			
Environment & Climate Change:	As set out in Core Strategy			
Consultation/Community Engagement:	Submission Core Strategy has been published for consultation		Partners	✓
	Public	✓	Staff	
Key Decision:	No			
Public/Private Report:	Public			
Officer Contact:	Eleanor Dash Kathy Carpenter re Dwelling Completions Section			
Designation:	Planning Policy Manager			
Ext No:	2563			
Email:	eleanor.dash@braintree.gov.uk			

Appendix 1 Parliamentary Statement Revoking Regional Strategies

The Secretary of State for Communities and Local Government confirmed on 6.7.10 that Regional Strategies will be revoked as follows:-

Today I am making the first step to deliver our commitment in the coalition agreement to “*rapidly abolish Regional Spatial Strategies and return decision-making powers on housing and planning to local councils*”, by revoking Regional Strategies.

Regional Strategies added unnecessary bureaucracy to the planning system. They were a failure. They were expensive and time-consuming. They alienated people, pitting them against development instead of encouraging people to build in their local area.

The revocation of Regional Strategies will make local spatial plans, drawn up in conformity with national policy, the basis for local planning decisions. The new planning system will be clear, efficient and will put greater power in the hands of local people, rather than regional bodies.

Imposed central targets will be replaced with powerful incentives so that people see the benefits of building. The coalition agreement makes a clear commitment to providing local authorities with real incentives to build new homes. I can confirm that this will ensure that those local authorities which take action now to consent and support the construction of new homes will receive direct and substantial benefit from their actions. Because we are committed to housing growth, introducing these incentives will be a priority and we aim to do so early in the spending review period. We will consult on the detail of this later this year. These incentives will encourage local authorities and communities to increase their aspirations for housing and economic growth, and to deliver sustainable development in a way that allows them to control the way in which their villages, towns and cities change. Our revisions to the planning system will also support renewable energy and a low carbon economy.

The abolition of Regional Strategies will provide a clear signal of the importance attached to the development and application of local spatial plans, in the form of Local Development Framework Core Strategies and other Development Plan Documents. Future reform in this area will make it easier for local councils, working with their communities, to agree and amend local plans in a way that maximises the involvement of neighbourhoods.

The abolition of Regional Strategies will require legislation in the “Localism Bill” which we are introducing this session. However, given the clear coalition commitment, it is important to avoid a period of uncertainty over planning policy, until the legislation is enacted. So I am revoking Regional Strategies today in order to give clarity to builders, developers and planners.

Regional Strategies are being revoked under s79(6) of the Local Democracy Economic Development and Construction Act 2009 and will thus no longer form part of the development plan for the purposes of s38(6) of the Planning and Compulsory Purchase Act 2004.

Revoking, and then abolishing, Regional Strategies will mean that the planning system is simpler, more efficient and easier for people to understand. It will be firmly rooted in the local community. And it will encourage the investment, economic growth and housing that Britain needs.

Appendix 2 Summary of Representations made concerning the impact of the abolition of the RSS on the Core Strategy.

Overall - conflicting views:

- The East of England Plan and the Braintree District Council Submission Draft Core Strategy (May 2010) are founded on a robust and credible evidence base which has justified its content. Accordingly, policies relating to such issues as settlement hierarchy, the quantum of housing development required to meet growth needs and the need for growth areas at the main towns are sound propositions. The abolition of the Regional Spatial Strategy should not therefore affect the content of the Core Strategy, or the robust and credible evidence base from which its policies are derived.
- Abolition of the RSS will remove completely the foundations of the Core Strategy.

Whether to proceed with the Core Strategy or to delay it- conflicting views:

- The Council should withdraw the Core Strategy pending the enactment of new legislation and the publication of a new national planning policy.
- It is critical at this time to pursue delivery to meet social, economic and environmental objectives.
- The Secretary of State's new guidance makes it clear that the revocation of the RSS should not be taken as a signal for local authorities to stop plan-making, and that where plans are in preparation, they should be continued.
- A further stage of public consultation before the submission to the Secretary of State of the Core Strategy may be inevitable. This will then ensure that the future emerging government guidance dealing with the key matters of housing provision and employment are addressed to ensure that the Core Strategy is legally compliant and sound.

Localism

Provisions for housing should be deferred for local review. No provision of further travellers sites without local review and decision by the District Council.

The new government intends to ensure that the new planning system delivers truly local plans, mandating that all local authorities use collaborative democratic methods in drawing up their local plans. Rivenhall Parish Council and Witham Town Council have consistently opposed the allocation of the proposed growth location to the north-east of Witham (in Rivenhall Parish) off Forest Road.

A number of different methods are proposed to involve neighbourhoods in developing the local plan. This will include the full involvement of democratic representatives at all levels (parish and town councils, ward councillors, accountable residents' associations and other elected representatives), as well as consultation with other interested parties.

Incentives for Housing Growth

The Government has set out its intentions to support those Councils who deliver new homes by providing additional funding. Although the details of the mechanism have yet to be set, there is no doubt that those communities that deliver more housing will benefit from greater funding, and it is clear that the Government expects Councils to take this in to account in determining their own local aspirations for housing

Evidence Base

The evidence base of housing need within the District still exists. In reviewing local development documents, decisions will need to be based on the evidence that the local authority has collected through Strategic Housing Market Assessments, Employment Land Surveys, Strategic Environmental Assessments and other studies. Local authorities will also need to consider evidence collected during the production of the adopted and draft revised East of England Plan, as well as the scope provided by the remaining saved structure plan policies.

The RSS employment projections are particularly relevant because sustainable access to jobs and other services by modes other than the car remains national policy even if the East of England Plan did not exist. How this economic growth translates into additional demand for homes and where the growth should occur will still need to be addressed through local planning documents. In addition, the affordability of housing and the provision of affordable homes are still relevant and pressing matters to address.

The Submission Core Strategy is consistent with the East of England Plan evidence base.

The SHMA identified both an affordable housing need and an overall housing demand figure in excess of the level of housing being provided within the Core Strategy. This reinforces the need for the identification of growth areas. The 'Balanced Housing Market' model contained within the SHMA suggests (at Table 16.11) that the excess of housing demand over supply equates to 918 units per annum, significantly in excess of the 273 units proposed in the Core Strategy. Even the net requirement for affordable housing (i.e. again taking in to account supply as well as need) at 375 units per annum exceeds the total level of new house-building proposed in the Plan. There is therefore a very real and pressing requirement to deliver more homes in Braintree for local needs.

Clarification, if necessary, of the nature (and weight given to) evidence base used to reach decisions may be required to reflect the change in circumstances.

RSS Objectives

The key drivers for the RSS include the need to address the housing shortage that exists in the Region; supporting continued economic growth; and improving the energy and carbon performance of new buildings, whilst improving water efficiency and recycling. The Spatial Strategy concentrates growth at a number of Key Centres for Development and Change which are the Region's main urban areas. These are, as basic principles, consistent with policy objectives in national guidance and are therefore unobjectionable. The abolition of the RSS is not therefore relevant in these terms so far as Braintree is concerned.

Housing Requirement

The overall scale of development to be accommodated within Braintree District has been considered in detail through the RSS process. The Core Strategy housing requirement (7,700 dwellings) was subject of consideration by the RSS EIP Panel and found to be appropriate reflecting a constrained level of growth for the District, just over half the Essex Structure Plan requirement. This strategy sought to provide a more equitable balance between jobs and homes, particularly at Braintree town. To provide for less housing than envisaged within the Adopted RSS would further risk under providing both market and affordable housing against the identified need and demand. This is contrary to the aims and objectives of PPS3 (Housing) and the Government's housing aspiration as expressed in a recent speech by the Housing Minister (16th June 2010).

In reviewing the housing figures, the Council will need to consider how increasing or decreasing the supply of new homes would alter the affordability of market homes as well as the relationship between the employment opportunities and housing being proposed. A key objective of national planning policy on housing remains as being "to improve affordability across the housing market, including by increasing the supply of housing" (PPS3, June 2010, para.9). Braintree achieved 20% affordable housing provision in 2008/09 and 15% provision between 2001 and 2009. If the core strategy does not improve affordability, the strategy may be found to be unsound.

The original RSS figure was very similar to the projected locally arising dwelling need over that period based on nil net migration (from the Chelmer Model), but considerably less than the projected locally arising household increase based on the official ONS projections (which include net migration), and which suggested an increase of some 21,000 new households between 2001 and 2021. The ONS projections show that on the basis of household growth, the level of housing need in Braintree District is significantly above the old RSS requirement.

The number of dwelling units required may not be as high as estimated by the East of England Plan, especially if there is a fall in immigration and a decline in the number of one person households.

Paragraph 4.46 of the draft strategy for people and places in the Braintree District to 2025 which was consulted on in November and December 2010 lists six alternative options for the level of proposed growth in the District. The three options for housing are listed below:

1. Option Alt 8 - Higher level of housing allocations

Seek to provide more dwellings, provided they were in sustainable locations, were in accordance with the East of England Plan and that the required infrastructure could be provided. Additional provision would require further assessments of the proposed locations.

2. Option Alt 9 - Lower level of housing allocations

Seek to provide for a lower level of provision based on the current slowdown in the housing market and not needing to develop Growth Locations until after 2016

- or until there is a need to release land to meet the Government's requirement for a five year supply.

3. Option Alt 10 - Same level of housing allocations with alternative growth locations

Consider alternative growth locations, or the redistribution of growth, in Braintree or Witham. However we feel that the suggested locations offer the best balance of accessibility both for transport and to local services, with a minimum impact on the local environment.

These options now must be considered in the context of the Rt Hon Eric Pickles MP, Secretary of State for Communities and Local Government, letter to Chief Planners.

Review of Spatial Approach

Any change in housing numbers may require a review of the spatial approach taken by the Council. For example, a reduction in housing numbers driven by local needs rather than centralised regional targets may reduce the scale of development required at the designated Strategic Growth Locations at Braintree and Witham. A more dispersed approach to smaller scale housing development at sustainable settlements (including Key Service Villages) may be more appropriate to address the District's housing requirements. Similarly, an increase in housing numbers driven by local needs may also require the release of sustainable sites adjacent to existing settlements.

It is considered that the wording of the spatial strategy should be amended in order to ensure that it can be flexible enough to deal with changing circumstances. Whilst the majority of additional new housing would continue to be provided in the District's three principal urban centres of Braintree, Witham and Halstead, and to a lesser extent the Key Service Villages, there should be a greater degree of flexibility to enable modest development, within or on the edge of 'other villages' within the District, such as Sturmer, in order to meet localised demand. This approach would help to meet the local housing needs of these smaller centres.

Historic Building Rates

In terms of historic build rates, it is worth noting for comparison purposes that the average annual build rate between 1996 and 2009 in Braintree was 750 dwellings per annum (source: 2009 AMR; 2005 AMR). We do not suggest that past rates of completion should necessarily dictate future rates, but they do show the capacity of the house-building industry to deliver in Braintree, and give an indication of the scale of housing demand, since clearly the house-building industry seeks to ensure that it sells what it builds.

The Submission Core Strategy rate proposed is less than the demand for new housing over past years as measured by completions.

Option 1 RSS Housing Requirement

"Open Source Planning" notes that in the absence of the RSS, Councils will be expected to base new 'local plans' on the 'Option 1' numbers. The Secretary of State's latest guidance note states that the 'Option 1' number is the number of units put forward by the Regional Assemblies in the draft RSS, prior to intervention by the Examination Panel or Government Office. On that basis, the 'Option 1' number for

Braintree would still be 7,700 units 2001-2021, since that was the figure originally put forward in the December 2004 draft RSS, and neither the Panel nor the Government Office proposed any change. Braintree District Council did not object to that level of provision, and therefore in this instance the 'Option 1' number has had local support.

Employment Provision

In terms of job targets, the East of England Plan sets out an indicative target of 56,000 net growth in jobs for the "Rest of Essex" which included Braintree. The Core Strategy Submission document (paragraph 6.8) sets out how the District could take a share of that target. It then goes on however to confirm that the Council will seek a higher growth in jobs (higher target) based on the findings of a local study undertaken by Cambridge Econometrics, commissioned by the Council (see paragraph 6.9). This shows that local need has clearly been assessed, and that the effective job growth target in the RSS can be exceeded. The abolition of the RSS should not therefore have any influence on the Council's proposed strategy for the provision of employment or planned growth in jobs.

Policies

Given the breadth of policies, contained in the Core Strategy and the East of England Plan, the implications of abolition of the RSS could be extensive. Many of the policies in the East of England Plan provide a regional context to national policy, much of which would apply in the absence of a regional spatial strategy.

As regards to the location of development which was to be accommodated beyond the main urban areas, this was to be guided by Policy SS4, which recognised the role of market towns and other larger villages in providing employment and services to their rural hinterlands and meeting housing needs. Irrespective of the presence or otherwise of the RSS, such a spatial strategy accords with the central tenants of national planning policy.

The consideration of environmental and other constraints present in the East of England that apply to a given area would need to remain, such as the urgent need to reduce water consumption and the generation of energy from renewable sources.

Core Strategy Text

Text which makes reference to the East of England Plan will need to be amended to bring the Core Strategy up to date.

Effect upon Forest Road Growth Location

As the RSS has been abolished, the whole basis for the Rivenhall growth location has been removed. The Core Strategy as it relates to the proposed Rivenhall Growth Location should be withdrawn pending new legislation and/or new national planning guidance. The allocation is premature and not justified in the light of the new legislation.

If the Council will not withdraw the Core Strategy it should withdraw the proposal to create a Growth Location for 300 houses on land north-east of Witham in Rivenhall due to the fact that allocation is premature in the light of imminent new legislation and new national planning policy.

If the reforms to the planning system still leave the Council requiring the 300 houses currently at the proposed Rivenhall Growth Location, then that location should be withdrawn and replaced by more sustainable alternatives.

The Rivenhall growth location is not required as it is outside the 5 year housing supply time span.

Gypsy and Traveller Policy

The Core Strategy gypsy and traveller policy appears to be driven entirely by the reviewed regional spatial policy published last year with little regard for local considerations. In the light of the Secretary of State's letters dated 27th May 2010 and 25th June 2010 and the PINS guidance, it is essential that this part of strategy is made subject to local review before the Core Strategy is submitted to the Secretary of State. The latest statistics at January 2010 show that the District already accommodates some 70 traveller sites and there is no requirement for show person provision. Circular 4/2006 recognises the importance of community involvement in these important but sensitive decisions.