

**Local Development Framework Panel
1st December 2010**



Update on Planning Legislation and Impact upon the Core Strategy	Agenda No: 5
<p>Corporate Priority: Environment is clean and green, business is encouraged and local economy prospers, housing and transport meet local needs.</p> <p>Report presented by: Eleanor Dash</p> <p>Report prepared by: Eleanor Dash</p>	
<p>Background Papers: Secretary of State’s letter about Regional Strategies 27.5.10. High Court decision on Regional Strategies 10.11.10 Letter from DCLG Chief Planner 10.11.11 DCLG website announcement on Community Infrastructure Levy 18.11.10</p>	<p>Public YES</p>
<p>Options: To recommend no changes to the Core Strategy Gypsy and Traveller Policy in the light of the High Court decision on the status of Regional Spatial Strategies. To recommend changes to the Core Strategy Gypsy and Traveller Policy in the light of the High Court decision on the status of Regional Spatial Strategies.</p>	<p>Key Decision: NO</p>
<p>Executive Summary:</p> <p>There was a High Court decision on 10th November that Regional Strategies have not been abolished. The Core Strategy is required therefore to be in compliance with the East of England Plan.</p> <p>The Council did not amend Core Strategy housing, or employment requirements as a result of the Government announcement that Regional Strategies have been abolished, but did reduce the gypsy and traveller requirement, as a focused change, in line with local evidence of need.</p> <p>The revised gypsy and traveller policy is not in compliance with the Regional Spatial Strategy. However, the Government intends to abolish Regional Strategies in the Localism Bill, which is due to be published shortly and to become law by July 2011. A further change to re-instate the original policy would therefore only provide compliance for a matter of months.</p> <p>The report lists other proposed planning legislation that the Government intends to introduce.</p>	
<p>Decision: To recommend to the Council that there should be no changes to the Core Strategy Submission Draft, in the light of the recent High Court decision that Regional Spatial Strategies have not been abolished.</p>	

Purpose of Decision: To ensure that the Council has considered the change to the legal status of Regional Spatial Strategies, which impacts upon the Core Strategy and the re-instated need to be in conformity with the Regional Spatial Strategy.	
Corporate implications	
Financial:	Costs associated with adoption of the Core Strategy.
Legal:	The Core Strategy is a statutory document setting out planning policy for the District up to 2026.
Equalities/Diversity	An Equalities Impact Assessment has been undertaken, which forms part of the evidence base of the Core Strategy.
Customer Impact:	Core Strategy policies and proposals will impact upon customers.
Environment and Climate Change:	Core Strategy policies and proposals seek to reduce the impact of future development on the environment and climate change.
Consultation/Community Engagement:	Public consultation on the Submission Draft Core Strategy between 10.5.10 – 8.7.10 and on the Focused Changes between 6.10.10 – 19.11.10.
Risks:	That there will be objections to the Gypsy and Traveller policy because it is not in conformity with the Regional Spatial Strategy, or delays to the Core Strategy programme if the policy is amended and published as a further focused change.
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Background

1. Regional Spatial Strategies

1.1 The Regional Spatial Strategy (RSS) for this region is the East of England Plan, which was produced by The East of England Regional Assembly and approved in May 2008. This set out planning policies for the region, together with a housing requirement for each local authority and employment targets for sub-regional areas. The Braintree District Core Strategy is required to be in compliance with the Regional Strategy.

1.2 A Single Issue Review of the East of England Plan was subsequently approved in 2009, which dealt with Planning for Gypsy and Traveller Accommodation and set out requirements for each local authority.

1.3 On 27.5.10 the Secretary of State for Communities and Local Government informed local authorities of the Government's intention to abolish Regional Spatial Strategies.

1.4 On 6.7.10 the Secretary of State for Communities and Local Government announced that the Government had revoked all Regional Strategies under section 79(6) of the Local Democracy, Economic Development and Construction Act 2009. He stated that the legal basis for Regional Strategies would be abolished through the Localism Bill, which was due to be published in November 2010.

1.5 Housing developer Cala Homes (South) Ltd made a High Court Challenge against the announcement that Regional Strategies had been abolished using Section 79 powers. It was announced on 10.11.10 that this High Court Challenge had been successful.

1.6 As a result of the High Court decision, Regional Strategies have not been abolished and the Braintree District Core Strategy is required to be in compliance with the housing and gypsy and traveller requirements, which had been set by the East of England Plan for this District and the sub-regional employment target.

1.7 The Government has re-stated its intention to abolish Regional Strategies through the Localism Bill, which is due to be published before Christmas and is programmed to become law by July 2011.

1.8 As Members are aware, the Council did not amend the Core Strategy housing requirement as a result of the announcement of the abolition of the Regional Spatial Strategy, as there was evidence of local need for that level of housing and particularly need for affordable housing. The Core Strategy employment target was also unchanged. Both of these targets are therefore in compliance with the Regional Strategy.

1.9 However, the Council reduced the Core Strategy Gypsy and Traveller provision from 67 pitches by 2021 to 59 pitches by 2021, basing this requirement upon a 2009 Essex Gypsy and Traveller Accommodation Assessment rather than the RSS. This amendment to the Core Strategy gypsy and traveller accommodation policy was published as a focused change and there have been no objections to this change during the six week consultation period. This target is therefore no longer in compliance with the Regional Spatial Strategy.

1.10 The Core Strategy Hearing is due to take place in April 2011, prior to the enactment of the Localism Bill. There are two options open to the Council:-

A. To publish a further change to the Core Strategy to re-instate the original Core Strategy Submission Draft Gypsy and Traveller policy based upon the RSS requirement of 67 pitches by 2021. It is suggested that this focused change could be published for a shorter period than 6 weeks, for example for 2 weeks, as there has already been consultation on this Submission Draft policy.

B. To make no further change to the amended Gypsy and Traveller policy, in the light of the Government's intention to abolish Regional Strategies in the Localism Bill.

1.11 It is recommended that the Council should adopt Option 2, as any change to seek compliance would only be required for a temporary period, assuming that the Localism Bill proposals to abolish Regional Strategies are approved. The Council could make a further change to this policy at a later date, if the Planning Inspector who examines the Core Strategy considers the temporary non-compliance to be a problem.

2. Other Government Planning Proposals

- To introduce a Localism Bill to give local communities control over housing and planning decisions.
- To replace over 150 current planning policy guidance notes and statements with a National Planning Policy Framework.
- The Housing and Planning Delivery Grant has been removed.
- To introduce a New Homes Bonus. (There is ongoing consultation on this proposal.)
- To abolish the Infrastructure Planning Commission, but retain a fast-track system for major projects through the Planning inspectorate.