

## **Briefing for Development Control Committee 3<sup>rd</sup> June 2010.**

The Council has received a letter from Mr Eric Pickles, Secretary of State for Communities and Local Government dated 27<sup>th</sup> May 2010. The letter states:

***"I am writing to you today to highlight our commitment in the coalition agreements where we very clearly set out our intentions to rapidly abolish regional strategies and return decision making powers on housing and planning to local councils.***

***"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.***

***"I will make a formal announcement on this matter soon. However, I expect Local Planning Authorities and the Planning Inspectorate to have regard to this letter as a material consideration in any decisions they are currently taking."***

The letter raises important issues for this Council in its determination of planning applications and the ongoing preparation of the Local Development Framework.

### **Legal Status of the letter**

The intention of the letter is that local planning authorities (and Inspectors) should feel able to disregard RSS in current determinations. Given that RSS will continue to be part of the development plan until abolished, and that local development plan documents might give effect to RSS in any event, it will be interesting to see which decisions come through which fly in the face of the development plan citing this letter as material.

Furthermore, the existing Planning System and associated PPS's have not yet been reformed. While the Coalition Agreement stated:

*'Our programme for government' (May 2010) stated 'We will rapidly abolish Regional Spatial Strategies and return decision-making powers on housing and planning to local councils.....'*

The draft Decentralisation and Localism Bill announced in the Queens Speech (May 2010) which will give effect to this political aspiration has not yet been published the existing planning system remains in force.

The letter appears to be ministerial guidance, which may not override legal documents such as the RSS. If the government were to use their powers to formally revoke the RSS, then it would appear to have more weight as a material consideration.

However, the Minister has made it clear that he expects his advice to have some account.

A number of national bodies representing development interests and the professional body for planning officers have expressed concerns about the ambiguity of the letter and its formal legal status in planning terms:

- The House Builders Federation (HBF) has written to the Secretary of State expressing concern over the ambiguity and potential effects of this approach and its effect on housing delivery and seeking urgent clarification of how local authorities will be required to justify any housing provision figures other than those in the RSS.
- John Silvester, spokesperson for the Planning Officers Society (POS) has also commented on the letter - "*In determining planning applications until such time as extant RSSs are formally expunged from the record then they stand as prevailing policy. Furthermore, the evidence on which they are based remains valid and ought to be taken into consideration.*"

### **Planning Applications and the 5 year Land supply**

The Conservative manifesto document included reference to transitional arrangements in respect of the 5 year housing land requirement although these are not referred to in the letter.

Even without RSS housing targets, Planning Policy Statement 3 (Housing) still requires Local Planning Authority to have a 5 year land supply, so a question remains as to the basis for the housing requirement.

As the published Coalition Agreement states '*In the longer term, we will radically reform the planning system ...based on the principles set out in the Conservative Party publication Open Source Planning*'.

Although not repeated in the 'Coalition: Our Programme for Government' nor referred to in the letter, the Conservative 'Open Source Planning' Green Paper included a series of transitional arrangements as follows:

*'On the question of projected housing numbers, local planning authorities have already projected the number of houses they (as opposed to the regional authorities) believed would be necessary by 2026 for local needs – the so-called Option 1 numbers – and where they might most sustainably be developed. Unfortunately the present Government refused to believe that local authorities were capable of accurately gauging future local housing demand and, in many cases, interposed to impose significantly higher housing targets. We believe that the original, locally generated estimates are a reasonable assessment of housing need, including affordable housing. We therefore expect that these Option 1 numbers will be used by local authorities as the base-line for the projections that they provide to neighbourhoods at the start of the collaborative planning process, and will be used as provisional housing numbers in their Local Development Frameworks until their new local plans are completed.'*

Having discussed this with officers from the County Council as the Section 4 (4) authority (Under the provisions of the Planning and Compulsory Purchase Act (2004), the Regional Planning Body (RPB), in this case EMRA, may seek the advice of the Strategic Planning Authorities (known as the Section 4 (4) Authorities. In Northamptonshire, this is Northamptonshire County Council). Having considered the views expressed to it by this Council on the draft Regional Spatial Strategy in relation to the current RSS adopted last year neither authority objected to the 330 dwellings per annum contained in the draft. The figure was accepted by EMRA, the Panel and the Secretary of State and therefore ended up as the adopted policy.

If the RSS is abolished as planned then the Council may still be required to use the 330 dwellings per annum as a baseline figure as a Cabinet Decision dated December 2006 (Minute 134) raised no objection to the 330 dwellings per year figure set out in the draft Regional Spatial Strategy published in 2006. Therefore the five year housing requirement will still be required based on this figure until such time as the new local plans are completed.

The letter also has implications for the larger developments proposed in those villages currently managed by the Interim Rural Housing Policy (IRHP) principles.

The key objective of the IRHP is to realise a 5 year land supply and is doing so successfully. The DCLG letter may not change the requirement for Councils to meet a 5 year land supply, it is unclear. Furthermore the abolition of the RSS does not necessarily of itself remove this obligation.

It is therefore prudent to assume that until there is clearer guidance (or a draft Bill and revised PPSs) that the Council will continue to be required to provide a 5 year land supply, though the level is as yet unknown.

Given the uncertainty on these issues ahead of the proposed Bill and its associated guidance it would not be prudent to reject all planning applications when we may still be required to have a 5 year land supply at the current level.

### **Implications for the Local Development Framework**

The letter appears to have implications for the proposed housing numbers planned for the West Northants area, though the letter has been issued without guidance or advice on transitional arrangements as to how to move to a more localised system or what the detail of that system might be.

There is an associated issue of whether West Northants retains its 'Growth Area' status where the targets in the RSS (at the MKSM level) have a substantial element of extra growth over and above the natural rate of local growth (demographics and migration levels – from within the UK (by far the biggest) and from other EU states).

The WNJPC will need to urgently consider the implications of the letter (and the associated legislation to be set out in the Decentralism and Localism Bill as yet unpublished) for the development of the Core Strategy and the housing requirements of the Northampton Implementation Area.

For example South Oxfordshire Council has already deferred detailed consideration of their Core Strategy on the basis that *'This will allow time to consider the full impact of Mr Pickles' statement and will avoid any decisions being taken that are later proved to be unsound or unnecessary'*.

There clearly is a debate that needs to take place in both the WNJPC and SNC about the scale of the development in individual settlements such as the towns and villages in the light of the DCLG announcement, and this Council's aspirations and approach to the future development of its settlements.

In the light of the uncertainty caused by the publication of the Ministerial letter and in order to avoid making unsound decisions it is prudent to await clarification of how the letter should be interpreted. The Council has been in contact with the Government Office for the East Midlands and clarification of the letter is expected to be issued within the next few weeks. Therefore, it is anticipated that this clarification will be available in the near future.

### **Implications for Development Control Committee Meeting (June 3<sup>rd</sup> 2010)**

The following items are therefore withdrawn from the Schedule of applications:

Item 1: Mini Farm Blakesley Road Abthorpe S/2009/0657/P

Item 5a: Land off The Beeches Deanshanger: S/2010/0273/MAO

Item 5b: Land North of Stratford Road Deanshanger S/2010/0311/MAO

Item 6 Land off Main Road Middleton Cheney S/2010/0301/MAO

Item 7 Land at Main Road Middleton Cheney S/2010/0320/MAO

Officers will also write to those applicants whose applications have been withdrawn explaining that the steps that the Council is taking are considered to be a reasonable course of action to take pending the clarification of the points set out in this note. Following receipt of clarification a decision will be taken as to the most appropriate course of action in respect of these withdrawn applications.

Strategic Policy  
June 3rd 2010.

