

ROCHFORD CORE STRATEGY EXAMINATION

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Ref:

Date: 11 August 2011

Dear Mr. Hollingworth,

Re: Rochford District Core Strategy: Request for suspension of examination

Thank you for your letter of 29 July requesting a suspension of the Rochford Core Strategy Examination until December.

The Government is encouraging local councils to get up-to-date, evidence based plans in place, in order to meet the housing and commercial needs of their area and to provide greater certainty for communities and developers. The Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs, consequently the Government is encouraging councils to press ahead without delay in preparing up-to-date development plans to drive and support growth. As you acknowledge, the progress of the Core Strategy has been subject to significant delays, not all of which have been within the Council's control. Nonetheless, to allow a further suspension of the Examination could result in further significant delays, bearing in mind the factors I set out below, and I am therefore unable to agree to your request.

My first concern relates to the uncertainty over the timing of the abolition of regional strategies. The Localism Act, as currently drafted, makes provision for the abolition of Regional Spatial Strategies. The most recent judgement in the Cala Homes case states at paragraph 32: *Moreover, even if clause 89 is enacted in its present form, it could not lawfully be assumed that revocation of any individual regional strategy is bound to occur regardless of the outcome of*

the process of environmental assessment, because to make such an assumption would be contrary to the requirement of the SEA Directive and SEA Regulations: that a decision to revoke may not be made until the process has been completed. If I were to suspend the Examination until December, regardless of whether the Localism Bill has achieved Royal Assent, a further suspension may be necessary pending the completion of the process, including SEA. This would lead to further delay and uncertainty.

Secondly, I have significant concerns relating to the approach adopted by the Council in proposing the reduced housing numbers of 190 dwelling per annum, as set out in Topic Paper 3, and whether this would be consistent with the approach promoted in the Localism Bill as currently drafted, in particular the introduction of a 'duty to cooperate'. I recognise that the figure is derived from the (abandoned) review of the East of England Plan, but that emerging plan was not subject to independent examination which limits the weight that can be placed on it. The full implications of the duty to cooperate have yet to be realised, but it may be of particular relevance to the circumstances of Rochford District. This is because the rationale set out in Topic Paper 3, relies to a significant extent on redirecting growth to other locations in Thames Gateway South Essex. Therefore the delivery of this strategy would be dependent on the cooperation of neighbouring authorities. Bearing in mind the negative response from Basildon District Council when the proposed changes were published for consultation last year, it is not clear that Rochford District Council would be in a position to demonstrate that any requirements arising from the duty to cooperate had been met by December 2011. This could lead to a further suspension of the Examination.

Thirdly, I am also mindful that a consultation draft of the NPPF has recently been published. Clearly, the final form of the document is not yet known, but if adopted as currently drafted it may require further changes to the Rochford CS to ensure conformity. For example there may be a need to add a 20% surplus to housing numbers in the first five year period. This is another factor that could lead to further delays in the Examination.

I have also considered your request for a suspension in the light of the Planning Inspectorate's Procedure Guidance. Paragraph 9.21 of the Guidance notes that: *As a general principle suspension goes against the wider policy objective of speeding up the plan process and developing evidence to inform choices made during plan making.* The Guidance identifies situations in which suspension may be an appropriate response, but the circumstances outlined in your letter appear to go well beyond what is envisaged in that document. I note your reference to other Core Strategy examinations which have been suspended, but these are not directly comparable. In the case of Luton and Central South Bedfordshire and Surrey Heath, the examinations have been suspended because the submission draft documents were not in general conformity with the relevant regional strategy. The Luton and Central South Beds DPD is now to be withdrawn. The South Wiltshire examination has been suspended, but I understand the ongoing work should enable the Inspector to find the DPD sound prior to the Localism Bill enactment.

Your main concern appears to be that extending the Plan period to provide the 15 years required by PPS3 and PPS12 would require significant amendments to the Core Strategy, leading to further delay. You state that: *One option was to amend the Core Strategy such that it unequivocally conforms to the East of England Plan (2008), i.e amend the current policy of providing 190 dwellings per annum to 250.* However, the submission Core Strategy seeks to provide 250 dwellings per annum in accordance with the regional strategy, so the changes required would be to roll this forward two years to 2027, to allow for an adoption date of 2012, rather than 2010 as envisaged at the time of submission. I agree that the kind of changes needed to roll the plan forward would require public consultation and SA, but your scenario 2 timetable, published in June, would have allowed for this to happen in August/September 2011. Evidently that timeframe has now been missed.

In all the circumstances, and to avoid any further delay, I am minded to suggest that the Council considers proposing changes to the Plan which would acknowledge the shortfall in the plan period, briefly explaining the circumstances, and making a firm commitment to an early review of the Plan. I am of the view that such changes could be considered minor, and would not require formal consultation or SA. However, the changes could be advertised on the Council's website and comments invited to coincide with a short consultation on the draft NPPF, which I am asking to Programme Officer to organise. Assuming that no issues of such significance as to warrant the reopening of hearings arise from these consultations, the Council could expect to receive my report for fact check within about one month from the close of the consultation.

This course of action would be a pragmatic way of ensuring that the Council has a Core Strategy in place to guide development whilst it undertakes a revision of the Plan in accordance with the new legislative and policy framework.

As I am unable to agree to a suspension of the Examination, the alternative course of action would be to withdraw the Core Strategy. I would be grateful for an indication of how you wish to proceed as soon as possible, and in any event by 26 August 2011.

Yours sincerely,

Laura Graham
Inspector

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Dear Mr. Francois,

Rochford District Council Core Strategy Examination.

Further to your letter of 29 July 2011, I enclose a copy of my reply to the Council's request for a suspension of the Rochford District Core Strategy Examination. I have given careful consideration to the points raised in the Council's request and your letter but for the reasons given in my reply I am unable to agree to this request.

Yours sincerely,

Laura Graham
Inspector