

A Review of the Implications of the Pickles Letter for the Rochford District Core Strategy

The implications of Eric Pickles' Letter of 27 May and Mr. Clark's announcement to changes to PPS3 in respect of garden grabbing and minimum housing densities on the Rochford District Core Strategy (CS) are discussed.



There are a considerable number of implications for the Rochford Core Strategy. Some might appear to be contradictory but there is much uncertainty and it is hard to separate scenarios.

Bearing in mind that the CS was produced to deliver the housing targets in the RSS, and not an assessment of local needs, it is most likely that one of the implications is that a CS delivering local needs would be based on a significantly reduced total quantum.

The Council's Head of Legal Services suggests that the 27 May letter does not have the status of having the force of law.

Having said that another firm of planning lawyers, <http://www.plan-it-law.com>, reminds readers on its web site that the 27 May letter is a material consideration if not a material planning consideration. In addition I understand that Peter Village QC has advanced a similar opinion to his clients that the Pickles Letter would not stand up in Court.

But there may be further announcements soon as indicated by Mr. Pickles in his letter, and one of which could be that the Secretary of State (SOS) signals politically again that Councils should adopt the Conservative Party Policy of retaining the first five years of any CS with revision an option for later once the Decentralisation and Localism Bill has been passed.

As for a further announcement that might have the force of law to abolish the RSS I understand that some planners do not believe that the SOS has executive powers to amend Statute and on that basis it can only be concluded that this can only be established by the passage of the promised Decentralisation and Localism Government Bill which is unlikely, in some pundits views, to receive Royal Assent before Summer 2011 !!

On the other hand it has also been said that Section 79 of the Local Democracy, Economic Development and Construction Act 2009 sets out the Secretary of State's reserve power to revoke a regional strategy where the Secretary of State thinks it, necessary or, expedient to do so.

The Council has stated in its Press Release of 17 June that until there is legislation it has to continue with the CS unchanged in order to protect itself from being seen as "entirely permissive" for not having a defensible 5 year land supply.

Indeed the Council might see it that even if the RSS is abolished by force of law it cannot produce an assessment of local housing needs sufficiently quickly so as to re-denominate the 5 Year Supply of developable land and under these fragile circumstances it has no choice but to stick with the higher targets of the RSS as the only fallback that the Council has if it is avoid a deluge of planning applications and/or appeals with the associated high cost regime.

Indeed if you look at the structure of the CS it is hard to see how it could reduce the emphasis on the development of green belt immediately as encouraged by Conservative Party policy which is now emerging as new Government policy. It is not possible to bring forward development of brown field sites because these need to be vacated first !!

If the CS continues then surely planning applications conforming to the first 5 years of the CS could be approved and others which do not appear there could be refused. If this is an implication of recent political change then residents might have much to say.

So if the Council were to decide on retention of the first 5 years then I would say that residents would be glad if the Housing Hearing on the CS were re-opened so that they may protest about the implication.

With regard to garden grabbing as reconsidered by Government you might not be aware that the overall site represented by the David Wilson Homes Appeal in Hawkwell included a number of acres of garden.

Garden Grabbing is not discussed in the CS but this is now significant to the South Hawkwell Location.

The same is so about the deletion of the minimum housing density and again this implication needs to be revived by the Council. Conceivably this might mean that more green belt needs to be released.

With the announcement made in the Pickles Letter of 27 May the implication is that with the abolition of the RSS then the annual housing denominator for each year is likely to be significantly reduced in my opinion if local needs are assessed. Because of this I would say that less weight could now be placed on this evidence which was submitted as part of cases that suggested in the CS that there was doubt on the 5 Year Supply reported by the Council.

There would appear to be concern in the Council about how to conduct a local housing assessment because it has never done it before and in its Press Release dated 17 June the Council admits to be waiting for further guidance from Government. This is disappointing because I would have hoped that the Council would see this as a challenge and embark very quickly to adopting suitable methodology.

There is talk in the Council that it seems to hope that the Government will require Essex County Council to be setting housing targets again when actually a radical re-assessment of local housing needs is required by our most local planning authority (LPA) as enabled by political change.

Another alternative might be to create a local housing assessment consortium with Council neighbours Chelmsford, Castle Point and Southend. A sort of sub regional housing target. I will leave that thought in this public essay.

The danger is that ECC does not have a close enough local feel and will just revert to the Strategic Housing Market Assessment (SHMA) produced in 2008 by the Thames Gateway South East.

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Strictly speaking Rochford District is not part of the TGSE and is only involved because most of London Southend Airport (LSA) is technically in Rochford District. To this end there is a JAAP with Southend Borough Council (SBC).

Having said that the development of the industrial component in the JAAP heavily predicated the transfer of activity from inappropriately sited industrial estates in the district to the industrial estate which is to be developed alongside the LSA.

The question remains that if the local re-assessment of housing needs produces the expected reduction then will the Council still require the quanta to be developed on the transferor industrial sites?

Will that require that the new industrial estate at the LSA to be reduced in capacity?

Or will the Council maintain the new industrial estate at the proposed capacity and still earmark the transferor sites for brown field housing development at the originally proposed quanta?

If the latter remains so then, for example, the 150 in the Eldon Way, Hockley industrial estate could relieve the 175 proposed for Hawkwell South which not being in or very close to a town centre is not as preferable or sustainable for development of affordable homes.

In other words a lower housing need would enable choices to be made and not unsurprisingly as a Ward Councillor for Hawkwell West I would recommend retention of Hockley and deletion of Hawkwell for development.

I have great concern that the SHMA comes up with specific targets for Affordable Homes reflecting those who have applied to RDC for Housing.

I understand that the 5 year figure for Affordable Homes is in the SHMA the region of 655 and the number of families, but in some cases single persons, requesting housing is in the region of 765.

Based on the Government Housing Policy, PPS3, real housing developments are required to deliver 35% of Affordable Housing. Using 35% you can see the gross total of housing developments over 5 years is around 2000.

This could be another reason why the Council might see that an implication of the abolition of the RSS and the impending policy vacuum whilst assessing local housing needs might be to retain the RSS targets for the first 5 Years of the CS.

So what could be done, in my opinion, is an urgent piece of work that questions our local residents what are their likely family and personal needs for housing are over the foreseeable 15 years in bands of 5 years.

Those asking for accommodation in Rochford need to be equally closely questioned about their precise needs and how they arise including where they are living right now, how this may change over the same period.

There must also be question marks on the deliverability of affordable homes in the formula set out in PPS3 because of reduced funding for social landlords resulting from Government Spending Cuts, the paucity of mortgage funding to house buyers because of the policies of all UK lending banks and the fact that reduced housing needs could leave quanta in CS Locations reduced below that which is economic for developers. On that basis perhaps the number of Locations can be reduced and only the most sustainable and deliverable to remain.

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Overall my view is that the CS should not be recommended to the SOS and a period of deferral is arranged by whatever means possible to enable the Council to assess local housing needs, including the affordable element, reach a new total quantum and on that basis review the preferred Locations and Sites against this rather than the unpopular retention of the first 5 years of the CS.

John Mason

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