

Cala Homes Judgement

Introduction

The Judgement of the High Court relating to the weight that can be given to the Secretary of State's intention to abolish the Regional Spatial Strategies was handed down on 7 February 2011 and can be viewed at: www.bailii.org/ew/cases/EWHC/Admin/2011/97.html

As announced by the Inspector at the hearing on 2 February, she is allowing a period of 2 weeks from the date of the judgement for further written submissions to be made on the following issue:

What weight should be given to the Secretary of State's intention to abolish Regional Spatial Strategies, and what are the implications for the Inspector's consideration of the proposed changes?

Any representations on this matter must be sent to the Inspector by 12:00 on Thursday 24 February. There will be no extensions to this deadline and any late representations will not be seen by the Inspector.

Please note that further representations are to be limited to this issue, and that representations on other matters will not be accepted by the Inspector.

Rochford Council's views

As stated within the judgement by Justice Lindblom "the law has always distinguished between materiality and weight. The distinction is clear and essential. Materiality is a question of law for the court; weight is for the decision maker in the exercise of its planning judgement." It was also stated in Justice Lindblom's decision that emerging national policy, for example in the form of a draft circular or Planning Policy Statement, can also be a material consideration.

It was further stated that "For some of the policies involved the horizon in time may still be as many as 15 or more years away. The period covered by the South-East Plan, for instance, runs to 2026. The Government's intended reforms in the Localism Bill could be on the statute-book within the next 12 months. This being so, it seems to me to make perfectly good sense for authorities, Inspectors and the Secretary of State to be free to take into account the potential removal of Regional Strategies in the decisions they will in the meantime still have to make. To hold otherwise would, I think, be unreal."

Given the above statement by Justice Lindblom in response to the CALA Homes challenge, the Council considers that significant weight should be given to the Secretary of State's stated intention to abolish Regional Spatial Strategies.

In terms of the implications of this judgement for the Inspector's consideration of the proposed schedule of changes to the Rochford Core Strategy, as stated in previous responses, it is entirely appropriate for Rochford to seek to put in

place a Core Strategy as soon as possible that will deliver long-term certainty about development in the district.

The schedule of changes to the Core Strategy are intended to deliver a significant level of housing building in the district, over a slightly longer period and lower annual rate, but nevertheless still wholly in accordance with the principles set out in the Localism Bill and reflected in the Government's ambitions to increase the delivery of housing across the country. The strategy set out in the proposed amendments to the Core Strategy is considered to be aligned closely with the Coalition Government's ambitions for housing. Notwithstanding this, the Core Strategy also provides a balance between meeting the housing need of the District and preserving its unique environmental characteristics.

The Council concludes the Core Strategy is sound and is a sound response to the emerging changes to the Planning system as set out in the Localism Bill.