



Councillor John Mason

Representing the Hawkwell West Ward

Wistaria Cottage
Englefield Close
Hawkwell
Essex. SS5 4LE
England

Tel: +44 1702 204377

Email: CllrJohn.Mason@rochford.gov.uk

Member Correspondence

Date: 9 April 2011

Miss Laura Graham BSc MA MRTPI
Planning Inspector
C/O The Programme Office
Rochford District Council

Dear Miss Graham

["Planning for Growth" - new Government policy](#)

Thank you for the opportunity to comment on "Planning for Growth" and the other Budget Announcements connected with this guidance and directive.

To start with may I say that I think that Public Examination (PE) Participants should also have been invited by you to comment on the impact of the New Houses Bonus (NHB) on the Core Strategy (CS) because I believe that as a post General Election Government proposal it has had a material impact on the decisions that led to the amendment sought by the LPA to the CS. Without that proposal standing in the wings I believe that the LPA's decision on an amendment could have been materially different in that Government cuts to the Council's overall funding are conveniently plugged by the payment of the NHB.

The Council's position on the NHB is as follows courtesy of Shaun Scrutton *"No decision or discussion has taken place about how the NHB might be used as the final scheme was not announced until after our budget process. The bonus is not ring fenced and local authorities can decide how to spend it, and whilst I note the points you make about Hawkwell, it will be for the Council to decide in due course how the NHB can be used to best advantage for the district."*

Would residents have a different view of development if they knew that the NHB would be spent on infrastructure?

Perhaps you might also like to read a page from respected planning lawyers and planning commentators Mills & Reeve.

<http://www.plan-it-law.com/page/2/>

New Homes Bonus

The final scheme design for the New Homes Bonus has been published on DCLG's website. Very little has changed from the consultation version, but what is interesting is the Government's response to concern over the way in which NHB might influence planning decisions particularly given the message that the bonus will be "powerful" and an "effective fiscal incentive". This

response is not within the final scheme document - but in the published summary of responses to the consultation (on the same link). The Government stresses that the NHB should not encourage development which would otherwise be inappropriate. However, the view taken is that NHB can be material in planning decisions in some cases where there is a "direct connection" between the intended use of the bonus and the proposed development.

Part of the power of this incentive is that the NHB is to be "unringfenced" with councils being able to apply it at their discretion. But the examples given in the scheme include "council tax discounts" and "supporting front line services like bin collections" - neither of which leap out as the obvious candidates for that direct connection!

Also, the examples given of cases where there may be a sufficient connection between the development and the NHB (so that it would be appropriate to take the NHB into account), include expenditure on replacement open space where existing open space is taken up by the development. So is that not to be something to be paid for by the development and dealt with under a 106?

This issue looks set to be one which third parties will latch on to as a potential challenge opportunity - local authorities will need to give early consideration to these issues and could do worse than start with a clear position on exactly where and how NHB will be applied in their area. Local residents may see the advantage of influencing the spending of NHB if this is open to them, and this may have a bearing on the position they take on whether or not to object to a development.

The final point to note is - if the NHB is to be properly taken into account in a particular decision (there being sufficient connection) what is the guarantee this will in fact happen? For example, if, as the scheme suggests, NHB can be used as mitigation, no doubt the developer will seek assurance from the authority that the mitigation will be forthcoming at the right time. In the replacement open space example, I would expect to see some restriction on the development pending re-provision - if NHB is to fund that, how can the developer be sure it will be done in time?

Can this be put right with an additional consultation? I would personally like to see this opportunity arranged so that Participants can comment on such a material and possibly material intervention of additional funding associated with strategic development.

The Rochford Core Strategy is already unsound in my opinion and is now even more unsound in the light of the requirements of Planning for Growth because this was not designed in contemplation of the special direction now given by Government.

The Planning for Growth Statement was made as an integral part of the Budget on 23 March.

In the 1980's the Margaret Thatcher Government also had a strong presumption in favour of development, enterprise zones and a new Use Classes Order. It was a time of huge development and economic growth. There is every reason to expect the same now based on past experience and it is right to express concern that the CS has not been appropriately developed and considered in PE from this new perspective.

Planning for Growth and subsequent directives, guidance and advice has now effectively acknowledged that, with the intended abolition of the RS, the Government has no strategic housing policy for house building and that the policy is now purely one of an economic impetus and policy for as much house building as possible to create desperately needed economic recovery. Strategy is out of consideration.

That means that the Rochford CS, which was derived at a time when the CS was underpinned by the RS, is now the only critical strategic direction of house building in Rochford District.

Shaun Scrutton, Head of Planning and Transportation, emphasised to me several times during the process of my discussions with him on the CS that there was always the backstop of a full planning application assessment to pick up my concerns about sustainability of development in my Ward but if the ordered presumption is now to say "Yes" then if the Council has not done enough work on the Locations, which I believe to be the case and presented to you in person, then this CS is flawed.

Because the CS was so underpinned by the RS the Council did not consider overall infrastructure and sustainability in sufficient critical detail relying on the vigour of each planning application to apply this critical test on sustainability and infrastructure.

In Planning for Growth the Government is going to do some things to the planning system which are not in the Localism Bill.

George Osborne began his Budget list of changes to the planning system, beginning with a presumption in favour of sustainable development, followed by a time limit on planning applications, changes to the Use Classes Order and auctions of planning permissions, finishing with 21 new enterprise zones, one of which will be in London.

Eric Pickles at the same time has instructed LPA's to renegotiate Section 106 agreements so that those which, in the current climate, made development unviable, can be rewritten.

I presume that you have asked Rochford District Council to evaluate the effect of this on the 5 Year rolling supply and against the new targets that the Council put forward to the Examination in July. It would be appropriate for any such additional houses be factored in to reduce the proposed delivery over the term of the proposals and these changes reviewed by the PE.

One serious question I believe that you have to contemplate is "how does the presumption in favour of sustainable development sit with the presumption in favour of the development plan"? This is especially so when you know from the Audit Trail that you requested from the Council that there is no evidence of a vigorous comparative assessment of Locations against alternatives having been carried out.

Eric Pickles on 23 March said "Instead of fighting against development imposed from Whitehall, local people will have a far greater influence over what is built in their area."

And how does this now sit with Localism?

It doesn't because The Chancellor said the default answer to development will be "Yes".

As stated earlier the serious question is how does the presumption in favour of sustainable development sit with the presumption in favour of the development plan?

If the presumption on a planning application is Yes then those Location and Site decisions coming forward in the Core Strategy or in DPD's must have been already fully justified and evidenced. If not then big mistakes will happen.

This is the fundamental question which I believe that the Planning Inspector must address and it will require her to re-examine the question of whether the CS has been vigorous enough in considering the relative merits of the Locations and quanta put forward against alternative locations.

I do not think the Council was vigorous enough and there is no evidence that it was.

The "Clark" Statement does not contain any of the references to local people having greater influence over what is built in their area.

It does however emphasise the need for local authorities to press ahead with putting up-to-date development plans in place.

This may be the convenient way for the Government to deal with the obvious conflict between localism and the new policy but the development plan (CS) must take it into account in planning assessment terms rather than just override it.

So those development plans will need to take it on board. The Core Strategy has not been produced with the new policy in mind.

I still cannot find a trail to the actual evidence that the Council has undertaken a comprehensive and detailed (in planning terms) comparative assessment of the impact of the CS Locations, in that they are identified for places of housing growth, in terms of the impact on green belt, the effect on the landscape and highways.

I am concerned about the lack of a comprehensive assessment in highway impact in terms of ALL of the proposed developments on the entire highway network by cumulative effect.

There is no actual evidence that the Council has undertaken a detailed objective assessment, in planning terms, of reasonable alternatives to the Locations which have been put forward in the CS.

Indeed prior to identifying the Locations to the public at all the Council should have carried out an assessment of reasonable alternative Locations that was conducted in full, in a detailed and objective manner in planning terms and, above all, visibly to the public.

You should be recommending that the LPA should, therefore, take the existing CS away and press ahead without delay in preparing up dated development plans to respond to Planning for Growth and the LPA should use that opportunity to be proactive in identifying, driving and supporting the type of housing growth that this district really needs.

Instead of building new homes for families the housing strategy should focus on releasing smaller parcels of green belt in appropriately strategic locations to accommodate the needs of our aging population in terms of retirement villages which use a smaller footprint of green belt and release over housed family properties for re-use on sale.

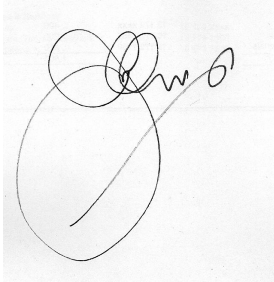
Indeed Planning for Growth says "LPA's should make every effort to identify and meet the housing, business and other development needs of their areas, and respond positively to wider opportunities for growth, taking full account of relevant economic signals such as land prices. Authorities should work together to ensure that needs and opportunities that extend beyond (or cannot be met within) their own boundaries are identified and accommodated in a sustainable way, such as housing market requirements that cover a number of areas, and the strategic infrastructure necessary to support growth."

I do not believe that the CS meets these requirements.

This is the only way that the strategic highway issues in Rochford District can be addressed and it should now be fully determined in the Rochford Core Strategy which it is not at present.

In the meantime I think that the issues that are required to be addressed by Planning for Growth are in themselves a significant new material consideration in the planning system which having not been addressed in the Rochford Core Strategy renders it further UNSOUND and planning applications vulnerable to the Blyth Case.

Sincerely

A handwritten signature in black ink, appearing to read 'J. Mason', written over a large, faint circular stamp or watermark.

Councillor John Mason BSc FLS ACIB