

South Area Development Control Sub-Committee: 3 January 2013

## **IMPLICATIONS FOLLOWING THE REVOCATION OF THE RSS EAST OF ENGLAND PLAN ON 3<sup>RD</sup> JANUARY 2013**

Report by Head of Planning & Coastal Management

### **EXECUTIVE SUMMARY**

1. This report is for information only.
2. On 11<sup>th</sup> December 2012 the Chief Planner wrote to all Local Planning Authorities in England confirming that the Coalition Government had laid an Order in Parliament to revoke the Regional Strategy for the East of England. The Order is due to come into effect on 3<sup>rd</sup> January 2013.
3. In relation to Suffolk Coastal, Members are advised that decisions on planning applications taken from today onwards should not include reference to the Regional Spatial Strategy – East of England Plan 2008; Accommodation for Gypsy and Travellers and Travelling Show People in the East of England (A Revision to the Regional Spatial Strategy for the East of England) 29 July 2009 or any “saved” policies from the Suffolk Structure Plan.

<b>Wards Affected:</b>
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All
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### **BACKGROUND PAPERS**

None

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## **1. INTRODUCTION**

- 1.1 This report is for information purposes only.
- 1.2 Members will be aware of the Coalition Government's stated intention, from as far back as 2010, to revoke the regional spatial strategies. That intention was confirmed in the Localism Act 2011. For the East of England Plan (RSS) actual revocation was waiting on the completion of a Strategic Environmental Assessment on the impacts of revocation. That work is now complete and an Order (full title – Order 2012 No 3046 (The Regional Strategy for the East of England (Revocation) Order 2012) was placed before Parliament on 11<sup>th</sup> December 2012 to take effect from 3<sup>rd</sup> January 2012.
- 1.3 The effect of the Order is that neither the Regional Spatial Strategy – East of England Plan 2008; the Accommodation for Gypsy and Travellers and Travelling Show People in the East of England (A Revision to the Regional Spatial Strategy for the East of England) 29 July 2009 nor any “saved” policies from the Suffolk Structure Plan now form part of the Development Plan for the district. The Development Plan for the district now comprises:
- the “saved” policies in the Suffolk Coastal Local Plan (incorporating 1<sup>st</sup> and 2<sup>nd</sup> Alterations) (the old local plan); and
  - the Suffolk County Council adopted minerals and waste development plan documents.
- 1.4 The National Planning Policy Framework (Framework) and its presumption in favour of sustainable development is a material consideration.
- 1.5 The emerging policies in the Pre-submission Suffolk Coastal Core Strategy and Development Management Policies Core Strategy Development Plan Document are also material considerations. Members are referred to paragraph 216 of the Framework which confirms that decision takers may give weight to relevant policies in emerging plans according to:-
- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
  - The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given; and
  - The degree of consistency of the relevant policies in the emerging plan to the policies in the Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
- 1.6 Any decisions on planning applications taken from 3<sup>rd</sup> January 2013 onwards should therefore avoid any reference to the RSS or other documents noted in paragraph 1.3 above. They may however, have regard to the pre-submission Core Strategy document and the proposed modifications emerging from the Examination.

## **2. IMPLICATIONS FOR SUFFOLK COASTAL**

- 2.1 In development management terms, the demise of the RSS will potentially cause some difficulties in terms of decision making on development proposals over the next few months. This Council is one of a number in the East of England which has no adopted Core Strategy in place, and are therefore reliant on “saved”

policies which are becoming increasingly out of date particularly in relation to housing. At the time of writing officers are in process of re-examining all of the old “saved” policies for compliance with the Framework taking on board lessons learned through the Core Strategy Examination process. It is intended to produce an “aide memoire” which will list those saved policies which remain, the extent to which they are considered to comply with the NPPF, and the emerging policies (as written or as proposed to be modified). It is intended that this “aid memoire” will be published and available for circulation at the meeting.

2.2 In relation to the emerging Core Strategy policies which have been subject to Examination, the Council has published Main Modifications Issue 4. Main Modifications are matters which the Inspector considers have implications for the “soundness” of the Core Strategy. It should be noted that in his letter to the Council dated 7<sup>th</sup> December 2012, the Inspector was content for the Council to go to consultation on these Main Modifications once they had been subject to Sustainability Appraisal (SA). Undertaking the SA of the modifications is normal procedure. In essence, those policies which are subject to Main Modifications may be considered to accord more closely with the Framework.

2.3 Following the announcement of the revocation of the RSS, the Inspector has requested that the Council put its consultation on the Main Modifications on hold whilst he carries out his own 5 week consultation, giving people (including this Council) the opportunity to comment on the what they consider are the implications that the revocation may have in respect of the CS as it has been examined to date. That invitation makes clear

*“any responses must be confined to the implications of the revocation. This is not an opportunity to raise other matters which either were or could have been part of the earlier representations or hearings on the submitted plan”*

2.4 Whilst this additional RSS consultation will delay the progress of the Core Strategy, it will enable any subsequent modifications which may arise out of it to be incorporated into the Council’s Main Modifications consultation. A separate report will be taken to Council for it to agree its response to the RSS consultation.

2.5 It is anticipated that the Core Strategy is now in the final stages before adoption. Members will therefore be kept up to date with progress and particularly in respect of the potential weight that may be accorded to emerging policies in this intervening period as necessary.

### **3. CONCLUSION**

3.1 Until the Core Strategy is adopted, or as a minimum, the Inspector’s Final Report has been received, the only policy considerations that the Council can take into account are the old Local Plan “saved” policies. Whilst for some developments this may not pose any concerns, the district is left very exposed when it comes to applications for new housing development as the old local plan is essentially silent on this matter. In these cases applications will need to be determined in accordance with the Framework and the presumption in favour of sustainable development (paragraph 14) which states:-

- Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- Specific policies in this Framework indicate development should be restricted.

4. **RECOMMENDATION**

Members are asked to note the contents of the report.