

<b>Subject:</b>	<b>Withdrawal of the Core Strategy to Update and Amend</b>		
<b>Date of Meeting:</b>	<b>14 July 2011</b>	<b>Cabinet</b>	
	<b>21 July 2011</b>	<b>Council</b>	
<b>Report of:</b>	<b>Strategic Director, Place</b>		
<b>Lead Member:</b>	<b>Cabinet Member for Planning, Employment, Economy &amp; Regeneration</b>		
<b>Contact Officer:</b>	<b>Name: Liz Hobden</b>	<b>Tel: 29-2504</b>	
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<b>Key Decision:</b>	<b>Yes</b>	<b>Forward Plan No: CAB, COU 23148</b>	
<b>Wards Affected:</b>	<b>All</b>		

**FOR GENERAL RELEASE****1. SUMMARY AND POLICY CONTEXT:**

- 1.1 This report seeks agreement to withdraw the Core Strategy from the examination process to allow essential updating and amendments in response to new circumstances relating, in particular, to emerging legislation and housing delivery. The revised Core Strategy will be a city wide plan and will assist in meeting the required tests of soundness of development plan documents.
- 1.2 The City Wide Plan will be a vital tool for attracting and directing investment in the city, it is imperative to deliver needed affordable homes and essential for encouraging the most sustainable forms of development and the highest quality of design. Preparing a city wide plan will provide the strategic planning framework to guide neighbourhood plans and will allow issues of local importance to be addressed appropriately and innovatively.
- 1.3 Withdrawing the plan will also allow essential updating and amendments in response to new circumstances. These relate, in particular, to emerging legislation and housing delivery and will assist in meeting the required tests of soundness of plan documents.
- 1.4 The report goes on to recommend that a Cross Party Working Group is set up to assist with future plan preparation.

**2. RECOMMENDATIONS:**

- 2.1 That Cabinet recommends to Council that the Secretary of State's direction to withdraw the submitted Brighton and Hove Core Strategy from the examination process be sought for the reasons set out in Part 3 of this Report.
- 2.2 That Cabinet agrees that a Cross Party Working Group is set up in accordance with the terms of reference in appendix 2.

### **3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:**

- 3.1 The submitted Core Strategy is the main planning policy document within the Local Development Framework (the plan-making system introduced by the Planning and Compulsory Purchase Act 2004). Its role is to provide an overall strategic vision and policy framework for the city to 2026.
- 3.2 Following a resolution of Council in December 2009 the Core Strategy was submitted to the Secretary of State in April 2010 for examination. The examination was suspended following an exploratory meeting on 20<sup>th</sup> May 2010 with the appointed Planning Inspector. The Inspector raised soundness concerns about the housing delivery strategy in the submitted document which was at odds with Planning Policy Statement 3: Housing by not identifying sufficient housing sites to meet the Regional Strategy, namely the South East Plan, target. The local case for not meeting the regional target was not considered sufficiently robust. Further uncertainties arose as a result of the publication of a letter by the Secretary of State on 27 May 2010 indicating his intention to abolish regional strategies and, consequently, regional housing targets. This intention has been taken forward into the Localism Bill which was published last December.
- 3.3 Since June 2010 two studies have been completed that will help inform the way forward. These relate to the supply of housing land in the city for the next 15 years (Strategic Housing Land Availability Assessment) and the Open Space Update that undertook a qualitative assessment of all non B&HCC owned open space. These studies were approved by CMM Environment on 26<sup>th</sup> May 2011. Moreover the Localism Bill proposes a number of changes to the planning system in addition to the abolition of regional strategies, for example the introduction of Neighbourhood Planning.
- 3.4 As a result of the findings of these studies, the proposed legislative changes and the need for further updates, the Core Strategy needs altering and amending to ensure it will be found sound at examination. For example there is a need to extend the end date of the plan to ensure a minimum of 15 years is covered and there is a need to take the formal designation of the South Downs National Park into account. It is considered that the sum of all the changes necessary add up to a significant alteration to the document that should be the subject of further consultation. See appendix 1 for a list of matters to be addressed. The Planning Inspector has agreed with this view.
- 3.5 It is considered that a real opportunity exists to prepare a city wide plan which will have greater scope than the submitted Core Strategy to tackle the issues facing the city. The city wide plan will be a vital and positive planning tool for attracting and directing investment in the city. It will provide an imperative for delivering much needed affordable homes and for encouraging the most sustainable forms of development with the highest quality of design. Preparing a city wide plan will provide the strategic planning framework to guide neighbourhood plans and will allow issues of local importance to be addressed appropriately and innovatively.
- 3.6 As a result this report recommends that Council formally request the agreement of the Secretary of State that the Core Strategy be withdrawn from the examination process to allow the preparation of a city wide plan. The city wide

plan will be subject to statutory consultation and, following formal publication, a 6 week publicity period during which time representations on the plan may be made. The plan can then be re-submitted to the Secretary of State for independent examination.

- 3.7 An initial timetable indicates that withdrawing the Core Strategy will provide the opportunity to have a more robust and up to date city wide plan that has been the subject of effective engagement with residents and stakeholders at the expense of a slight delay to its adoption.
- 3.8 In accordance with the request of the Cabinet Lead for Planning, Employment, Economy and Regeneration, the report recommends that a Cross Party Working Group is set up to help with plan preparation. The purpose of the Group, as set in the terms of reference (see appendix 2), is to develop and implement the city's development plans and promote partnership working. This Group will provide the opportunity to improve local democracy, it will help to build consensus and result in a better citywide plan

#### **4. CONSULTATION**

- 4.1 Formal consultation has not been undertaken in relation to the recommendation to withdraw the Core Strategy. Informal advice has been provided by the Planning Inspectorate.
- 4.2 Residents and stakeholders will be consulted on a draft city wide plan. An updated Local Development Scheme (3 year work programme for the Local Development Framework) will be published in the autumn.

#### **5. FINANCIAL & OTHER IMPLICATIONS:**

##### Financial Implications:

- 5.1 There are no Capital Expenditure implications. Preparation and consultation costs for the Core Strategy have been identified and a budget allowance has been made for this within the City Planning Division. The Core Strategy and future vision for the city will have a number of property implications that will embrace wider issues and future requirements in the city. These will include regeneration of areas and sites, design quality of proposals affecting the condition and suitability of city sites/properties in general and as part of the council's own portfolio. Any additional costs of the Cross Party Working Group will be met from resources within Planning.

*Finance Officer Consulted: Louise Hoten*

*Date: 10/06/11*

##### Legal Implications:

- 5.2 The Planning and Compulsory Purchase Act 2004 22 (2) (b) allows for the withdrawal of a core strategy on the direction of the Secretary of State after it has been submitted for examination. As soon as reasonably practicable following the making of the direction notice of withdrawal must be publicised in the manner set out in Regulation 37 of the Town and Country Planning (Local Development) (England) Regulations 2004 (as amended). Regulation 37 also provides that documentation relating to the withdrawn strategy must be removed from the

Council's website and public inspection points as soon as reasonably practicable after withdrawal.

- 5.3 It is not considered that the report raises any adverse human rights implications.

*Lawyer Consulted:*

*Hilary Woodward*

*Date: 13/06/11*

Equalities Implications:

- 5.4 Equalities issues are relevant to a number of the Core Strategy issues, including reducing inequalities, providing community facilities and ensuring housing is provided for all. Extensive community involvement has been undertaken during the preparation of the document and has aimed to reach the identified communities of interest. Additionally, the document was subject to an Equality and Health Impact Assessment. Withdrawing the core strategy will provide the opportunity to up date these policy areas and the Equality and Health Impact Assessment will be updated. The proposed Cross Party Working Group, by providing representation across the Parties and promoting partnership working, will help to improve consideration of equalities issues in future development plans.

Sustainability Implications:

- 5.5 The planning system has a clear purpose to contribute towards the achievement of sustainable development. All planning documents have to be appraised for their economic, social and environmental impacts. The Core Strategy has been subject to a full Sustainability Appraisal. Any changes or updates carried out as a result of withdrawing the document will be the subject of a further Sustainability Appraisal.

Crime & Disorder Implications:

- 5.6 The Core Strategy addresses crime and disorder through development areas, special area policies and a number of citywide policies. Withdrawing the Core Strategy will provide an opportunity to ensure that this policy area is up to date.

Risk & Opportunity Management Implications:

- 5.7 The Alternative options for the Core Strategy have been the subject of risk assessment and timetabling scenarios. In terms of taking a sound Core Strategy forward to examination by an appointed Planning Inspector, withdrawing the document is considered the best option to secure a sound plan within the shortest time period. A Cross Party Working Group will enable policy options to be discussed at an early stage therefore reducing uncertainty when key decisions are made.

Corporate / Citywide Implications:

- 5.8 The Core Strategy will contribute to delivering plans and strategies across the city council directorates, along with the Sustainable Community Strategy. It will also help to deliver city-wide strategies of public and voluntary sector partners. Withdrawing the Core Strategy will provide an opportunity to update references to these strategies.

## **6. EVALUATION OF ANY ALTERNATIVE OPTION(S):**

- 6.1 The alternative option is for the Core Strategy to remain in submission stage and proceed towards examination. This option was considered to be a high risk strategy due to the amount of updates and amendments necessary to ensure the Core Strategy is found sound and that these should be subject to consultation. The Planning Inspectorate has informally agreed this view.

## **7. REASONS FOR REPORT RECOMMENDATIONS**

- 7.1 The reason for the main recommendation to withdraw the Core Strategy is to allow necessary updates and changes to the document that will allow the document to be found sound at examination. This is considered the best option to secure an adopted city wide plan in the minimum amount of time.
- 7.2 The proposed Cross Party Working Group will help to build cross party consensus during development plan preparation.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. List of the Main Amendments Required to the Core Strategy
2. Draft Terms of Reference for the Cross Party Working Group for Plan Preparation

### **Documents in Members' Rooms**

None

### **Background Documents**

1. CMM Environment 16<sup>th</sup> May 2010- Local Development Framework Core Strategy –Updated Background Studies
2. Submission Version of the Core Strategy

