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This note has been produced in response to the Programme Officers' letter of 11<sup>th</sup> November 2010, in which the Inspectors invite the written views of the City Council and representatives on the latest situation in terms of the status of the South East England Regional Spatial Strategy and the policy implications for the Core Strategy.

### Status of the South East England Regional Spatial Strategy (SEPRSS)

1. On 27<sup>th</sup> May 2010 the Secretary of State for Communities and Local Government wrote to local planning authorities advising them of the Government's intention to abolish Regional Strategies and indicating that he expected them to have regard to this as a material consideration in planning decisions.
2. This was followed on 6<sup>th</sup> July 2010 by the Secretary of State's announcement of the revocation of all Regional Strategies, including the SEPRSS. That decision was subject to legal challenge (Cala Homes case: 2010 EWHC 2866), and the High Court decided in favour of Cala Homes on 10<sup>th</sup> November 2010.
3. The outcome of this judgement is to quash the Secretary of State's decision to revoke Regional Strategies. This means that the adopted SEPRSS remains in place as part of the statutory development plan.
4. However, the Secretary of State indicated in a statement on 10<sup>th</sup> November that the ruling changes very little. The Chief Planner at the Department for Communities and Local Government, Steve Quartermain, wrote to all local planning authorities on 10<sup>th</sup> November 2010 to indicate that:-
  - the Government's commitment to abolish Regional Strategies will be enacted through a clause in the Localism Bill, which is expected to begin its passage through Parliament before Christmas; and
  - local planning authorities and the Planning Inspectorate should still have regard to the Secretary of State's letter of 27<sup>th</sup> May 2010 in any decisions they are currently taking.

5. Cala Homes then issued a second claim, seeking a court declaration that the Government's intention to revoke Regional Strategies is not a material consideration for the purposes of making planning decisions. The second challenge is being expedited and the Government's statement, together with the Steve Quartermain letter of 10<sup>th</sup> November, has been stayed by the High Court until further notice.
6. The legal position regarding the weight to be given to the Government's intention to abolish Regional Strategies is therefore somewhat uncertain at the time of writing. Nevertheless, from a pragmatic point of view, it is clear that the Government proposes to abolish Regional Strategies through the Localism Bill, and this is a relevant consideration that cannot be ignored. Given that abolition of Regional Spatial Strategies forms part of the Coalition Agreement, it is reasonable to assume that this proposal will be passed by Parliament and enacted in due course.

### **Policy implications for the Oxford Core Strategy**

7. The Oxford Core Strategy has already been subject to detailed independent scrutiny through the examination hearings held in the summer of 2009 and in September 2010. These hearings tested the soundness of the Core Strategy with and without the SEPRSS respectively.
8. The City Council considers that the Core Strategy is in general conformity with the SEPRSS, as confirmed in a letter dated 15<sup>th</sup> May 2009 from the former South East England Partnership Board, but also that it stands on its own feet without the SEPRSS.
9. The strategy ratified by Council on 10<sup>th</sup> September 2010 was in essence the same strategy, with the same housing numbers and the same approach towards other development needs, which applied when the former Partnership Board wrote its letter of 15<sup>th</sup> May 2009.
10. The only material change has been the removal of the South of Oxford Strategic Development Area (SOSDA) and certain consequential amendments that flowed from that (in particular, adjustments to the phasing and level of B1 development at the Northern Gateway during the plan period). These changes were published as Further Proposed Changes and consulted upon in April/May 2010.
11. The City Council has considered whether references to SOSDA should be reinserted within the Core Strategy in light of the temporary reinstatement of the SEPRSS. However, we have concluded that this would not be appropriate. South Oxfordshire District Council remains opposed to SOSDA and the landowners have not submitted a planning application, nor is there any indication that they are likely to do so in the near future. The Treasury Solicitor had decided not to contest the legal challenges to the SEPRSS relating to SOSDA and had issued a Draft Consent Order earlier in the year. In these circumstances, there is no realistic prospect of SOSDA coming forward in the short-medium term.

12. SOSDA is not within the City Council's administrative boundary, and the purpose of the Core Strategy policy relating to SOSDA was to promote integration of the urban extension with the existing built-up area rather than to allocate land for it. Whether or not SOSDA comes forward is not dependent on the outcome of the Oxford Core Strategy. Furthermore, removal of references to SOSDA does not in the City Council's view result in the Core Strategy being out of general conformity with the SEPRSS, a view confirmed orally at the Procedural Meeting on 9<sup>th</sup> February 2010 by the representative from the former South East England Partnership Board.
13. The City Council has considered how best to reflect the status of the SEPRSS in the Core Strategy at the time it is adopted and published. If the Inspectors were to find the plan sound in their final report, then the SEPRSS is likely to be abolished within a relatively short time of the Core Strategy being adopted. In the circumstances, the City Council considers that the best way forward would be to retain the references to the SEPRSS that were in the combined changes document ratified by Council on 10<sup>th</sup> September 2010, and to add a preface to the adopted plan to indicate:

*The Oxford Core Strategy was prepared at the same time as the South East Plan (the Regional Spatial Strategy) was also being prepared. At the time this plan is formally adopted the South East Plan remains part of the development plan, pending proposed abolition of all Regional Strategies through the Localism and Decentralisation Bill. At such time as Regional Strategies are abolished by Parliament, all references to the South East Plan, the Regional Spatial Strategy or the Regional Economic Strategy in this plan should be prefaced with the word former.*

14. The City Council would invite the Inspectors to incorporate this into their binding recommendations.
15. In conclusion, the City Council considers that the Cala Homes decision has no significant new policy implications for the Core Strategy. The plan has already been tested at examination both with and without the SEPRSS.
16. Given the length of this examination, the Council hopes that the Inspectors are able to issue their final report shortly to avoid further uncertainty for all concerned and to enable the delivery of housing and regeneration in the city. If the Inspectors find the plan sound in their final report, it is of course the City Council's decision whether or not to adopt the Core Strategy, and when to adopt it.