

Advice produced by The Planning Inspectorate for use by its Inspectors

REGIONAL STRATEGIES - REVOCATION

1. On 6 July 2010 the Rt Hon Eric Pickles MP, Secretary of State for Communities and Local Government, announced the revocation of Regional Strategies with immediate effect. The statement is available [here](#).

The statement

2. The statement confirms that Regional Strategies are being revoked under [s79\(6\)](#) of the [Local Democracy Economic Development and Construction Act 2009](#) and will therefore no longer form part of the development plan for the purposes of [s38\(6\)](#) of the [Planning and Compulsory Purchase Act 2004](#). The statement goes on to say that abolition will require legislation in the "Localism Bill" which the Government will introduce in the current Parliamentary session.
3. Alongside the statement, Steve Quartermain, CLG Chief Planner, wrote to Local Authority Chief Planning Officers alerting them to the statement and providing some guidance in the form of 'questions and answer' advice on immediate issues that may arise. The letter is available [here](#) and the guidance is available [here](#).

The guidance

4. This guidance provides some clarification on the impact of the revocation; how local planning authorities can continue to bring forward their Local Development Frameworks (LDFs); and make planning decisions in the transitional period. It makes clear that the guidance should be regarded as a material consideration by local planning authorities and the Planning Inspectorate in their decisions. The guidance confirms that:
 - a. **The Policy Statement on Regional Strategies (February 2010)** is cancelled, and references to Regional Strategies in other Policy Statements are no longer valid. But all other PPSs will continue to apply until they are replaced by the National Planning Framework.
 - b. **The London Plan** will continue to provide the planning framework for London boroughs.
 - c. **In determining planning applications** local planning authorities:
 - i. must continue to have regard to the development plan. This will now consist only of adopted DPDs; saved policies; and any old style plans that have not lapsed.
 - ii. should also have regard to other material considerations, including national policy. Evidence that informed the preparation of the revoked Regional Strategies may also be a material consideration, depending on the facts of the case.
 - d. **Local Development Framework** preparation should continue.

- e. **The planning data and research currently held by Regional Local Authority Leaders' Boards** will still be available to local authorities for the preparation of their local plans whilst they put their own alternative arrangements in place for the collection and analysis of evidence.
 - f. **That there are a number of areas where Regional Strategies supplemented the national policy framework** and provides further clarification on these areas. These cover:
 - i. Housing numbers.
 - ii. The needs of travellers.
 - iii. Minerals and aggregates supply.
 - iv. The need for waste management.
 - v. Policies on town centres.
 - vi. The natural environment.
 - vii. Flooding and coastal change.
 - viii. Renewable and low carbon energy.
 - ix. Transport.
 - x. The Green Belt.
5. The guidance makes clear that local planning authorities will still have to provide a 5 year housing land supply, and that they will be responsible for establishing the right level of local housing provision in their area and identifying a long term supply of housing land in line with PPS3. The guidance also makes clear that local planning authorities may base revised housing targets on the level of provision submitted to the original RS examination (Option 1 targets), supplemented by more recent information as appropriate, and that any target may be tested during the examination process.
6. With immediate effect Regional Strategies have been revoked and they and their policies do not now exist in law; they cannot be given any weight. They are no longer part of the development plan for the purposes of s38(6) of the Planning and Compulsory Purchase Act 2004. The development plan now consists only of adopted DPDs; saved policies; and any old style plans that have not lapsed.
7. The starting point in considering any appeal or call-in remains s38(6) of the Planning and Compulsory Purchase Act 2004.
8. Regard should also be given to other material considerations, including national policy and the guidance on revocation. Evidence that informed the preparation of the revoked Regional Strategies may also be a material consideration, depending on the facts of the case.
9. Measures are in place to identify casework with RS relevance that has not yet been dispatched to Inspectors and to inform our approach to its management. However, there will inevitably already be cases with RS

relevance with Inspectors, and we particularly ask for the vigilance of Inspectors in identifying and considering those cases where RS policies are relevant and the effects of RS revocation in such cases.

10. Advice on handling casework involving policy areas covered by RS is in Annex A for appeals and call-ins, and in Annex B for DPDs.
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ANNEX A

APPEALS AND CALL-INS

1. The key test for an Inspector considering the potential relevance of RS revocation to a piece of casework will be to identify whether the case turns on or refers to RS policy, and if it does what action to take in the interests of fairness to the parties.
2. Housing supply (including the issue of whether or not there is a five-year land supply) is a matter that arises frequently in casework. Other RS policies can also be directly relevant in casework. Measures are in place to identify casework with RS relevance that has not yet been dispatched to Inspectors and to inform our approach to its management. There will inevitably already be cases with RS relevance with Inspectors, and we particularly ask for your vigilance in identifying and considering those cases where RS policies are relevant and the effects of RS revocation in such cases.
3. The following approach has been developed to assist in determining which cases may merit reopening, which may be dealt with by a reference back to parties for comment and which cases may not need any additional action:
 - (a) where RS policy has no material relevance, the cases put by the parties make no reference to it and the decision therefore can rely on local statutory development plan policy alone, no further action is required;
 - (b) where a decision relies on both local policy and RS policy on the same issue it is possible that the local statutory development plan policy can be relied upon if by applying no weight to the RS policy the outcome does not change;
 - (c) where both local policy and RS policy are relied upon on the same issue, but the RS is relied on to a greater extent and if as a result of applying no weight to the RS the outcome is less certain or could change, then the parties' views should be canvassed (Chart should then be advised);
 - (d) where the parties' cases rely primarily on the RS, then the parties should be canvassed; or if the inquiry or hearing has closed, it may need to be reopened (Chart should then be advised); and
 - (e) where there is a reference to the parties or a re-opening, the Inspector should consider whether the case can be completed following consideration of issues raised by the parties or whether a postponement, adjournment or abeyance is warranted.

ANNEX B

DPDs

1. The first guiding principle in development plan work is where possible to ensure that housing and other sessions that respond directly to RS policy do not proceed immediately, or that space is provided for relevant issues to be revisited before the examination is closed. PINS will monitor this advice and amend it if necessary.
2. **Preparation before the pre-hearing meeting (PHM)** – Through your PO seek clarification from the LPA about whether they wish to proceed on the basis of the submitted document. In the event that they wish to revise the submitted plan establish whether they will seek to withdraw or adjourn. If the latter, for how long. Be flexible about the length of adjournment that would be acceptable but normally seek to limit adjournments to no more than 9 months
3. **Preparation after the pre-hearing meeting (PHM) and housing session scheduled** – Defer discussion of housing and other policy topics driven by RS policy if possible until further clarity is provided by the LPA as to how they wish to proceed (see 2 above).
4. **Examination hearings in progress** - Defer discussion of housing and other policy topics driven by RS policy if possible until further clarity is provided by the LPA as to how they wish to proceed (see 2 above).
5. **Examination hearings in progress and housing and/or other RS policy-driven issues are the current topic** - Continue on the basis of existing national policy and RS policies and figures subject to clarification from the LPA as to how they wish to proceed (see 2 above).
6. **Examination hearings in progress but housing and/or other RS policy-driven issues are already dealt with** - Inform examination parties that it may be necessary to re-open the issue if further clarity is provided by the lpa as to how they wish to proceed (see 2 above) before the examination is completed
7. **Report is being prepared** - Continue on the basis of the discussion held at the hearings (i.e. existing RS figures) but seek the views of the parties on the implications of the Government's policy announcement. Be aware that the hearing may have to be re-opened if further clarity is provided by the lpa as to how it wishes to proceed before the report is due or if parties take a strong view that they need to address you on the implications of the policy change.
8. **Report completed but not yet sent** – On the basis that one of steps 1 to 7 has already been implemented, proceed to send it.

If none of the steps before 8 have been completed, return to step 7.