



# **Planning post regional strategy revocation**

## **An advice note**

**Revised March 2011**

**The Planning Officers Society**  
**Registered Office: 20 - 22 Bedford Row, London WC1R 4JS**  
**Registered in England No 6709078**  
**Registered Charity No 1140770**

## Preface

In October 2010 the Society published an advice note to assist planning authorities in carrying out DPD preparation following the revocation of regional strategies by the Secretary of State.

Subsequently in November 2010 a legal challenge by Cala Homes against the action of the Secretary of State was upheld, essentially for the reason that primary legislation should have been used. The effect of the judgement is that regional strategies were never actually revoked and remain part of the development plan. A further legal challenge against the stated intention to abolish regional planning was heard in the High Court in January 2011 and dismissed, though leave to appeal was granted.

The Localism Bill was published on 13 December 2010. Clause 89 provides for the abolition of regional planning and revocation of regional strategies. It is expected that the Bill will receive Royal Assent in the autumn of 2011. At the Commons Committee stage there were no arguments advanced to retain regional planning, though substantial concerns have been voiced about the need for consideration of strategic issues locally. It is therefore reasonable to work on the basis that regional planning will indeed be abolished.

This advice note has been updated to reflect the outcome of the legal challenges and the situation we now have. It works from the assumption that authorities can progress their plan making in the firm expectation that regional strategies will be revoked.

*This advice note was prepared for the Planning Officers Society by Andrew Wright of POS Enterprises.*

*POS Enterprises is the operational arm of the POS, providing support and training directly to planning authorities.*

Contact: [andrewwright@posenterprises.co.uk](mailto:andrewwright@posenterprises.co.uk)  
0845 6019 067

## Contents

Page

<b>Introduction</b>	Purpose of this advice note	4
	Content of the advice	5
<b>Section 1</b>	<b>Making the authority's position clear</b>	6
<b>Section 2</b>	<b>Preparing a local strategy statement</b>	
	Principles	7
	Approaches to sub-regional working	8
<b>Section 3</b>	<b>Plugging gaps in the policy framework</b>	
	Regional strategy policies	10
	Detailed national policies	11
<b>Section 4</b>	<b>Revising housing targets or other aspects of strategy</b>	
	Principles of approach	12
	Explaining how targets will be set	14
<b>Section 5</b>	<b>Progressing plan making</b>	15
<b>Section 6</b>	<b>5-year housing land supply</b>	19

## Introduction

### Purpose of this advice note

- 1 The planned abolition of the regional planning system and revocation of regional strategies will apply the principle of localism by giving planning authorities the freedom and opportunity to set their own strategy and targets for their area. Every freedom is of course accompanied by responsibilities, and the Chief Planner's letter of 6 July 2010 continues to be relevant. It makes it clear that authorities will need to present evidence to support their plans which will be tested at examination.
- 2 Essentially planning authorities now have the choice between keeping with the targets and strategy set by the regional strategy, or setting their own, different, strategy or targets.
- 3 In either case, it is considered that authorities will need to make clear the wider strategic context which is assumed for their plans because -
  - good planning requires that there is clarity about how the development of an area relates to what will happen in adjoining areas, and
  - they will need evidence to put before the Inspector at examination to counter representations that the targets or strategy of the plan should be different, by showing that they have properly considered such issues and have a coherent position
- 4 At the Commons Committee stage of the Localism Bill a range of concerns were expressed about what mechanisms will exist to ensure that issues and needs affecting more than one authority are properly addressed. In response Greg Clark undertook to consider how the Duty to Cooperate (Clause 90 of the Bill) could be strengthened. We wait to see what may be forthcoming from the government, but it seems likely that the duty to cooperate will refer in some way to the need to address wider than local strategic considerations.
- 5 Ministers and CLG have made it plain that planning authorities should not expect Government guidance on how to proceed when regional strategies are revoked, because it will not be forthcoming. The Government sees matters such as this as being for local government itself to deal with. Accordingly this advice note has been developed and revised by the Society to explore some of the issues that authorities will wish to consider.
- 6 The provisions of the Localism Bill on plan making concentrate on the introduction of neighbourhood development plans. Apart from removing the involvement of the Secretary of State in local development schemes and annual monitoring reports, the Bill does not propose any significant change to the process for preparing DPDs. It is understood that there will be simplification of the Regulations, and presumably revised guidance as a part of the national policy framework, but no more radical change to the system. Thus there nothing in the Bill to cause planning authorities to hold back from progressing their development plans,
- 7 Indeed there is a pressing need to progress plan making, particularly on core strategies, to -
  - put in place a clear vision and local strategy to guide investment decisions and development management
  - provide the platform to secure developer contributions towards infrastructure through the Community Infrastructure Levy
  - provide a clear strategic policy context for neighbourhood development plans
- 8 This advice note therefore aims to assist authorities in establishing sensible approaches to how they can progress their current work on core strategies and other DPDs.

9 It goes without saying that we cannot foresee exactly how the abolition of RSs will play out at examination, nor whether there will be legal cases which change the perspective on aspects of the post regional planning world. This advice note seeks to help, but of course can offer no guarantees, and each authority will need to take advice, including legal advice, and decide for itself upon the best way forward in its particular circumstances.

10 The advice here does not attempt to address the implications of the introduction of neighbourhood development plans for LPA's own plan making. There is so much still awaited by way of Regulations and policy guidance that this would not be safe. However, the Society has published an advice note "Getting started with neighbourhood planning" which can be found on the Society's website. This offers some ideas for briefing parish councils and community groups on the new system, and beginning to develop some idea of how much activity there might be on neighbourhood plans.

### **Content of the advice**

11 Section 1 of this advice note considers what is needed in the short term to set out an authority's intentions

12 Section 2 addresses how authorities can establish their own sub-regional context, and suggests that authorities consider working with their sub-regional neighbours to prepare and publish a "local strategy statement". It goes on to set out some suggestions on the arrangements which might be made for this.

13 Section 3 considers how authorities might deal with the situation where they feel the revocation of the regional strategy will create gaps in the policy framework for their area, and how these might be plugged in both the short and longer term. It also touches on the Government's intention that the revised national policy framework will remove much detailed policy, and thereby create further gaps in policy coverage.

14 Section 4 goes on to address the issues which will arise where an authority decides that it wishes to revise the key targets for planning in its area. It focuses particularly on how authorities might set their own targets for new housing provision, since this is the most common matter which authorities are signalling that they plan to re-visit.

15 Section 5 takes the preceding discussion forward to consider how authorities in different situations might progress their plan making, depending on the position they have reached and whether they are minded to make changes to strategy and/or targets.

16 Finally Section 6 deals briefly with the situation which will arise in terms of 5-year housing supply, and the basis upon which it will be calculated following regional strategy abolition where there is no adopted core strategy.

## Section 1: Making the authority's position clear

- 1.1 The effect of the successful legal challenge is that regional strategies were never revoked, and continue in force as part of the development plan. Whilst the further legal challenge failed, leave of appeal has been granted, so there remains some uncertainty as to the status of the Secretary of State's expressed intention to abolish regional planning. However, this challenge appears to be primarily relevant to development management decisions, rather than plan making.
- 1.2 However, it is suggested that where it has not already done so, each authority should publish as soon as possible a **statement of intentions** on its position on the regional strategy as it affects its area, in terms of plan making, and particular aspects of policy such as the housing target. This will inform interested parties of the authority's position, including developers, neighbouring authorities, and local communities. Where a joint core strategy is in preparation, the statement of intentions will presumably be developed jointly.
- 1.3 It is suggested that the statement might address -
  - where there is an adopted core strategy, whether the authority proposes to review it to change aspects of strategy or targets, including housing targets
  - where the core strategy is not yet completed, whether it is intended to continue in conformity with the regional strategy, including housing targets, or to bring forward a change of direction from that of the regional strategy
- 1.4 It is advised that if an authority is minded to change the strategic principles or targets which underpin the core strategy and possibly other DPDs, it should be cautious about being too specific at this stage. There will be technical work to carry out, including the consideration of the potential impact of different scales of change, and discussions to be held with other authorities in the area. Only when those are completed will the authority be able to come to an informed view of the robustness of different scales of change, and whether the evidence is likely to be strong enough to support them. It would be an obvious own goal to announce that housing targets will be reduced to a specific level, and then find that the authority cannot realistically hope to sustain such targets at examination.
- 1.5 The authority will of course wish to confer with other authorities locally in developing its statement, because this should bring out the key issues on which subsequent agreement will be desirable, and the likely position of the different authorities.
- 1.6 A statement of intentions is just that, and will not carry any significant weight. However, it is expected that it will fairly quickly be replaced by a fuller **local strategy statement**, which will set out the strategic context within which the authority intends to take forward its plan-making and decision making in anticipation of the revocation of the regional strategy. This statement, because it will be based upon or refer to relevant evidence, may be a material consideration in development management. The preparation of a local strategy statement is addressed in the next Section.

## Section 2: Preparing a local strategy statement

### Principles

- 2.1 The revocation of the regional strategy will remove the regional strategic framework within which the planning of an area is required to take place, together with key targets and higher level policies. Of course it will still be important that an authority is clear about the strategic principles which will determine its local planning solution, how change and development within its and neighbouring areas will interact with each other, and how strategic infrastructure will be tied together across the wider area. This will be important both as a foundation for plan-making and to assist in resisting speculative planning applications seeking to take advantage of the situation once the regional strategy is revoked.
- 2.2 Moreover, to have a clear position on the relationship between what will happen in an area and the wider area should be a strength at examination. Some of the main issues likely to arise at examination in the post regional strategy world are whether the authority is making sufficient provision for development, or conversely too much, and whether the plan fits sensibly together with planning for the wider area. To be able to show that the authority has a coherent and agreed strategic framework with its neighbours should greatly assist an Inspector in considering such issues.
- 2.3 Such concerns will apply as much to minerals and waste development frameworks as to general LDFs. Authorities engaged in producing minerals and waste DPDs will be very conscious of the need to address the implications of their proposals for their neighbours in the much wider area where, with the operation of market forces, their minerals could be used or their waste treated. Conversely, the opportunities to provide solutions to meet local demands could well fall outside their areas. Such issues will emphasise the significance of continuing working relationships to deal with demands for minerals and waste treatment, including what successor arrangements evolve to take on the management of aggregates supply and fulfil the role of the former Regional Technical Advisory Boards (RTABs).
- 2.4 It is suggested that other than in London (where the London Plan will continue to provide the strategic framework) authorities consider working towards the development and publication of a **local strategy statement** for the wider area within which the authority sits, to provide the strategic context for its planning ready for when the regional strategy is revoked.
- 2.5 **It is stressed that this is not to suggest that complex and detailed sub-regional strategies should be prepared as, in effect, another tier of plan making.**
- 2.6 Rather, the idea is that following discussions with neighbours about wider than local issues, as anticipated by the new Duty to Cooperate, each authority will publish a concise statement to record the main matters agreed as they affect its area.
- 2.7 It is anticipated that a local strategy statement will still be desirable where an authority has decided to keep with the regional strategy, because when the latter is revoked that framework will disappear and something will be need to show the wider context.
- 2.8 Moreover, even where an authority expects to adopt its core strategy before the regional strategy is revoked, there will still be value in producing a local strategy statement, because it will demonstrate that the authority's own plan is coherent with the intentions of its neighbours. It will also provide source material which can be incorporated into the plan to show the strategic context.
- 2.9 In the case of a joint core strategy the statement will presumably be developed jointly. There may be particular issues if one or more of the authorities is minded to change the scale of development to be provided for in its area. Clearly there will need to be early

discussions between officers to explore what the implications would be, and whether they feel a satisfactory overall solution can be found. These can then lead into discussions between elected members of the authorities.

- 2.10 The content of a local strategy statement will depend upon local circumstances. It would seem logical to cover -
- the overall strategic principles which will shape the scale and pattern of development within the wider area
  - the broad scale of new housing, employment and other key development planned to be delivered. Where the intention is to change housing targets or other aspects of strategy, this might canvas views but should probably not cite the specific level proposed (since this would be premature pending technical studies and community engagement)
  - any broad locations where new development is intended to be concentrated, where significant in a sub-regional context
  - where there is Green Belt, whether any changes to its boundaries are likely to be required, and broadly where
  - any key infrastructure which will run across the authorities' areas
- 2.11 It may be difficult to reach agreement with neighbours in some areas because of the contentious nature of aspects of strategy. However, production of the statement will still be a valuable tool to initiate debate, and may provide a vehicle to record progress as dialogue addresses the contentious issues. In the event that an authority and appropriate neighbours cannot reach agreement on the content of a local strategy statement, the authority will of course be able to go ahead on its own, and produce a statement which is acceptable to it. However, it will be appreciated that this will leave the authority in a less strong position at examination, because it will not be able to demonstrate consensus with its neighbours. In such a situation, the quality of the evidence which the authority can present in support of its proposed approach is likely to be all the more important.
- 2.12 A local strategy statement will be a non-statutory document. While the regional strategy remains it should be seen as setting out the planning authority's intentions for plan making. However, once the regional strategy is revoked it will take on some weight as a material consideration in determining planning applications and at appeal. The principles of the local strategy statement will in due course be taken forward into the core strategy, and will thereby take on statutory status.
- Approaches to sub-regional working**
- 2.13 The approach to preparing the local strategy statement will call for pragmatism. Some authorities are well advanced with their core strategy, and do not wish to change from the regional strategy. In such circumstances they are likely to want to put something in place quickly. Others are not so advanced with their core strategy, or are contemplating material changes in strategy and policy, particularly targets for new housing provision. They may decide that it will be better to invest more time in finding agreement with their neighbours.
- 2.14 How an authority might take forward its planning in particular circumstances is considered more fully in Section 5. The focus here is on the arrangements which could be made for preparing the local strategy statement, and in particular how the authority might seek to work with others in the area.
- 2.15 The signals from Ministers reflect the principles of localism, and are essentially that authorities should make the arrangements which best suit their circumstances. Thus the choice of the territory for a local strategy statement will sit with planning authorities

themselves. Where a joint core strategy is under preparation, this may be the logical grouping.

- 2.16 In developing a local strategy statement, the practical solution will often be for the authority to look to a group of authorities with which it has already been collaborating on aspects of plan making or for other purposes. These authorities should already have some understanding of each others' circumstances and local concerns and priorities. In a Shire area the County Council should be a valuable contributor to the production of the local strategy statement, because of its remaining strategic planning capability and the capabilities of staff in relation to information and strategy development; and also because it is the minerals and waste planning authority and a major provider of infrastructure. It is also likely to be a significant player in the Local Enterprise Partnership and influential in its strategic work.
- 2.17 Authorities may of course decide that the most suitable arrangement for them will be to create a new grouping with other authorities with which they believe they will be able to agree common ground. Clearly, whatever grouping is selected, it should show some logic in terms of the key strategic issues which the authorities face.
- 2.18 It may be that new patterns of inter-authority collaboration will develop which will provide a basis for authorities to form new strategic planning groupings. One possibility could be the local strategic partnership, though most LEPs have indicated that they do not expect to get involved extensively in strategic planning matters. Nevertheless, planning authorities will be advised to keep in touch with the LEP(s) to ensure that its investment priorities and spatial planning by the local authorities are consistent with each other, and to avoid any apparent contradiction or uncertainty as to the robustness of the core strategy.
- 2.19 Of course it is not just the grouping of authorities which will matter, but how they will work together. In the short term, expedient arrangements may be satisfactory because a group of authorities all want to be able to get current plans finished. However, when it comes to developing locally owned local strategies for the longer term, it will be important to give careful thought to how strategic planning should operate, so that the necessary work gets carried out and decisions get made.

## Section 3: Plugging gaps in the policy framework

### Regional strategy policies

- 3.1 The revocation of regional strategies will remove not only the overall strategy for a region, but regional targets and a range of subject based policies. Depending on the way the core strategy is framed, particularly where the authority has followed the PPS12 guidance not to repeat or re-cast regional strategy policies, authorities may feel that this will leave significant gaps in the policy framework for the area. Particular examples may be the settlement hierarchy, the retail hierarchy, strategic employment sites and regional or sub-regional infrastructure proposals.
- 3.2 It is suggested that authorities consider whether they wish to bring any of the current regional strategy policies or more local variations on them into their core strategy. There would not appear to be the need for a great deal of additional consultation in association with this, because the policies have already gone through consultation and a process of examination as part of the regional planning process. A suitable approach might be to publicise the proposed additions to the core strategy, and provide the opportunity to comment upon them. Authorities will of course have to justify such policies, and can refer to the relevant parts of the regional strategy evidence base in doing so. It may not be necessary for regional strategy policies to be subjected to sustainability appraisal, because there was a sustainability appraisal of the regional strategy itself.
- 3.3 There may be a time gap between the regional strategy being revoked and when the core strategy is expected to be adopted. This could create a temporary policy gap which might present difficulties in dealing with some planning applications. In this situation it is suggested that authorities consider adopting a supplementary planning document containing a schedule of any current regional strategy policies which they wish to retain. This would be an unusual form of SPD, and would depart from the principles of how it should be used, but it makes sense as a matter of expediency. There is no other way in which the policies can be kept alive between revocation and when they can be incorporated into the core strategy. Government policy no longer requires that supplementary planning guidance should relate to a development policy, so in this regard there is no barrier to doing so. (See the Plan Making Manual on the PAS website at <http://www.pas.gov.uk/pas/core/page.do?pageId=469626>).
- 3.4 Again, it is not considered that there needs to be extensive consultation before adopting the SPD, because the policies were previously taken through consultation and an examination process as part of the regional planning process. Of course until incorporated into the core strategy the schedule of policies will only have the status of SPD, but taking a practical view, if there is no other policy material which addresses the issues it will make sense for the authority and Inspectors to give it reasonable weight.
- 3.5 There are particular circumstances in relation to an adopted core strategy, in that it will not be practicable to bring regional strategy policies into it until it is reviewed. Where another DPD is under preparation it may be reasonable to use that as the vehicle. Such an approach may not fit very well with the principle that strategic policy belongs in the core strategy and other DPDs should deal only with more detailed matters, but some flexibility is sensible in the present situation.
- 3.6 There may be a similar situation where a DPD is already at examination. In such cases a judgement will need to be made as to whether the means can be found to quickly bring such regional strategy policies which the authority considers it requires into the core strategy. Section 5 addresses this situation.

### Detailed national policies

- 3.7 The Government's intentions for planning include the replacement of the current extensive body of national planning policy by a simple and consolidated national policy framework. Ministers have made it clear that they intend the national policy framework to concentrate on principles and be much more concise.
- 3.8 Given this intention, planning authorities may wish to think now about how they can insure themselves against the possibility of any consequent gaps in policy coverage which are important locally. This will be particularly relevant where they have adhered to the guidance in PPS12 and not repeated national policy in their development plans.
- 3.9 It is stressed that the suggestions here should not be taken as encouraging the idea that core strategies or other DPDs should revert to being detailed development control manuals which seek to have a policy for every foreseeable eventuality. The purpose in seeking to retain relevant national policies and/or regional policies should be solely to ensure that the authority does not find itself left with what it considers to be significant gaps in important matters of strategy, targets, or policy.
- 3.10 A number of possible approaches present themselves, depending on local circumstances -
- there may be the opportunity to add further policies based on current national policy to an emerging core strategy or other DPD
  - some authorities could carry relevant saved local plan/UDP policies into their core strategy or another relevant DPD
  - in the South West, where the regional strategy was never adopted, structure plans remain operative, and relevant policies from these may be suitable to be carried into the LDF
  - where an authority has an adopted core strategy (or one which has passed the hearings stage of examination) and no other suitable DPD is in preparation, relevant policies could be adopted as SPD, pending the opportunity to bring them into the development plan. This could follow the same approach as is suggested above for regional strategy policies

## Section 4: Revising housing targets or other aspects of strategy

### Principles of approach

- 4.1 Following the Secretary of State's action to abolish regional strategies, a number of authorities signalled their intention to revise their existing or emerging core strategy to change the housing target upon which it is based, and/or some other aspect of strategy such as provision for development in the Green Belt. Whilst the regional strategy remains operative for the purposes of development management decisions, there is no impediment to an authority carrying out technical work on a core strategy geared to the expectation that it will be abolished by the Localism Bill. Moreover, since the plan will be predicated on the situation which will apply following revocation of the regional strategy, there appears to be no reason why an authority should not carry out public participation on its emerging plan - indeed some have already done so.
- 4.2 It will be important to ensure that elected members, senior managers and other interests understand that any change to targets or strategy must be substantiated by robust evidence and set within the context of strategy for the wider area. The Chief Planner's letter of 6 July 2010 says that authorities will need to have a clear evidential basis for their plans and the targets within them, and that they may be tested at examination. It is suggested that where it has not already been done, elected members and senior officers should be briefed on what will be involved in revising targets or strategy. This should cover the role of the local strategy statement, how it is proposed to go about revising the targets, the importance of having a robust evidential basis (including a revised sustainability appraisal and, as necessary, Appropriate Assessment) for the targets eventually selected, and the proposed timescale, geared to that for the Bill and the revocation of regional strategies.
- 4.3 In terms of the approach to be taken, the Chief Planner's letter says in relation to adopted local plans and LDFs "There is no need to review the whole LDF, only those issues or policies which local authorities wish to revise". It is certainly the case that not every aspect of the LDF will need to be re-considered, but there could be other aspects of policy which will be affected by a change in strategy or in the house building target. It is also likely that interested parties may press for changes in the plan which they argue follow from the change in strategy or target.
- 4.4 It is therefore suggested that a sensible starting point may be to carry out a scoping exercise to consider how a change may impact upon other parts of the strategy for the area. Taking what appears to be the most common situation, that an authority is minded to reduce its house building target, this would raise a number of questions, including -
- how would a reduction in the planned amount of new housing affect the provision for employment and the scale of town centre development? Conversely, how have changes in economic prospects affected the likely level of demand for new housing?
  - what would be the likely effect upon the amount of affordable housing which could be delivered?
  - how would the distribution strategy for housing and other development be likely to be affected, including the possibility that particular strategic development locations would no longer be required or would be reduced substantially in scale?
  - what would be the impact upon the viability and deliverability of areas proposed for significant development?
  - how would the change be likely to affect the deliverability of the necessary investment in regeneration areas?
  - what would be the implications for infrastructure requirements, and would the reduced scale of development impact upon the justification for particular infrastructure investments?

- how would these matters affect the strategies and emerging plans of adjoining authorities?
- 4.5 The work already carried out on the core strategy should provide the evidence and information to take a sensible view on most of these questions, and others which will be particular to the circumstances of the individual authority. This will enable the authority to identify those matters which would logically be addressed at the same time as changing the housing target, and those which it is reasonably safe to leave unchanged. It will also bring out whether important aspects of the planning for the area are particularly sensitive to the level of housing target actually selected.
- 4.6 Having scoped the prospective impact of changing the target, it is advised that there should be technical work on possible revised housing levels and their implications *before* discussing them with elected members, and certainly before anything is put in the public domain. Depending on circumstances, it may also be prudent to look at how the sustainability appraisal would be affected. It would clearly be unwise to set a debate going about the possible scale of target without first having a reasonable understanding of what the implications of different levels would be. It must be anticipated too that some communities will express a preference for the lowest alternative target level put before them. It will therefore be important to take an informed view on whether evidence of sufficient strength can be developed to be able to successfully defend particular target levels before they are opened up to public discussion.
- 4.7 It is suggested that technical work should begin with the latest population projection for the area by the Office for National Statistics, and the most recent household projection produced by CLG. The projected change in the number of households indicated by the CLG projection may be considered to represent the “raw” requirement for new dwellings in the authority’s area, before considering what should be the effect of planning strategy.
- 4.8 Planning strategy has of course commonly intervened to depart from the household projections. In some cases this has involved setting a higher target in the interests of regeneration or concentrating growth on the more sustainable settlements, or providing for part of the requirements of a neighbouring authority with limited scope for new housing within its boundaries. In others it has led to a reduction in the amount of housing provision to protect the Green Belt or high quality landscapes from development.
- 4.9 The Chief Planner’s letter of 6 July 2010 addresses the possibility that authorities might seek to move to what it refers to as the “Option 1” figures. However, it is stressed that this was not a prescription, and that it is for authorities to decide for themselves what their targets should be, subject of course to being confident that they can provide persuasive evidential support for them.
- 4.10 Where a substantial change in housing target or strategy is contemplated, the authority should expect to develop, evaluate and consult upon alternatives. The regional strategies made the “big” decisions about the future of an area, including (implicitly) choices between genuine alternatives. So if some of the decisions previously made by the regional strategy are to be re-opened, this will also re-open the choices which went with them.
- 4.11 It will then be proper to consult on the alternatives and the preferred way forward, since they will be different from what was previously covered in consultation. In doing so, it should not normally be necessary to re-consult on every aspect of a core strategy. Indeed communities and other interests are likely to be most interested in the ways in which it is proposed to change the emerging plan. Having in mind what Ministers have had to say about improved community involvement in planning (and not just through neighbourhood development

plans) it would appear appropriate to place a lot of weight upon what communities have to say, provided an effective and valid consultation process is carried out.

- 4.12 This note does not address the matter of methodology for developing and evaluating alternative housing targets, since this will depend so much upon the particular circumstances of the authority and how it was previously treated by planning strategy.
- 4.13 The conclusions of the review process will of course become a key aspect of the local strategy statement, which will set out how and why the authority proposes to change the housing target or other aspects of strategy, and how this sits with the proposals of its neighbours.

#### **Explaining how targets will be set**

- 4.14 There is an expectation among many elected members and local communities that the planned abolition of regional strategies means that unpopular targets will quickly be changed, without the realisation that any new targets have to be founded on evidence and be defensible. This creates a need to communicate the realities of the situation.
- 4.15 Whether or not the existing housing targets are continued or changed after review, planning officers at all levels will need to have a good understanding of how the targets are derived, and be able to explain this in simple terms to laymen. This is of course a change from previously, when officers sometimes did little more than say "It's the regional strategy target and we are bound by it".
- 4.16 This will be important because there is commonly little understanding about the subject among local people, elected members and others. Planners will need to find simple and effective ways to get across the effects of people living longer, divorce, and movement within the country, let alone more controversial matters such as immigration.

## Section 5: Progressing plan making

- 5.1 The most suitable and practical way for an authority (or the parties to a joint plan) to progress plan preparation will depend on the circumstances, particularly the stage a core strategy has reached, and whether the authority(s) is content to conform with the regional strategy and its key targets, or wishes to change them. This section therefore looks at some of the more common situations which currently apply, and attempts to provide some practical ideas on how authorities might make progress. Clearly it is not possible to take account of the full range of circumstances which will affect any particular authority, so the advice here can only serve as a starting point for local judgements. The advice which follows is equally applicable to the production of general LDFs and to minerals and waste development frameworks.
- 5.2 The advice is built around a series of scenarios, as follows -
- Scenario 1: completing a core strategy which is at examination, with no change in strategy
  - Scenario 2: completing a core strategy which has not yet reached publication and submission, with no change in strategy
  - Scenario 3: completing a DPD other than the core strategy within the current strategic framework
  - Scenario 4: completing a core strategy which is at examination, but where changes to strategy or targets are now proposed
  - Scenario 5: continuing a core strategy with changes to strategy or targets - prior to examination

### **Scenario 1: Completing a core strategy which is at examination, with no change in overall strategy**

- 5.3 This scenario covers the situation where an authority has already submitted its core strategy (or its review); and is content to conform with the regional strategy.
- 5.4 In this case, it is probable that the core strategy will be adopted before the regional strategy is revoked. Accordingly, the main issues would appear to be to confirm that the authority is going ahead with the core strategy in accordance with the regional strategy, and to bring relevant strategic principles into the document in preparation for when the regional strategy is revoked.
- 5.5 The advice here should be equally applicable to a single-authority plan or a joint core strategy where the parties to the plan are agreed that they do not wish to change its strategic foundations.
- 5.6 In readiness for the revocation of the regional strategy it is suggested that the authority may find it helpful to bring forward a suitable local strategy statement to demonstrate that its plan is coherent with the intentions of its neighbours. This can be accompanied by proposed textual changes to the document to set out the wider strategic context.
- 5.7 In the case of a single-authority core strategy, it is suggested that the authority should confer quickly with the authorities in the immediate sub-region about its proposed approach, to establish whether the local strategy statement could be prepared jointly, or should be led by the initiating authority but with a view to its agreement. Such agreement should give the local strategy statement substantial weight, because it would show that it takes account of the effect upon neighbouring areas and vice versa. Where circumstances mean that

agreement cannot be reached with each of the relevant neighbours, it is advised that the note makes clear the matters on which there is agreement, and those where there is not.

- 5.8 In the case of a joint plan, the existing joint working arrangements will serve to prepare the local strategy statement.
- 5.9 In the context of this scenario, the source for the statement will be the regional strategy and any sub-regional strategy within it. In the South West, where the regional strategy has not been adopted, the SoS's proposed changes would appear appropriate as the most recent indication of the intentions for the regional strategy. Depending on local political sensitivities, it may be advisable to say that the regional strategy strategic principles and targets have been confirmed as meeting the local view of needs.
- 5.10 If the authority has concluded that it needs to bring some regional strategy policies or national planning policies into the core strategy, it will wish to confer with the Inspector on how this might be fitted in with the programme for the examination. As noted in Section 3, the view is taken that because the regional strategy has already been through public consultation and examination, it should be reasonable to carry out only a limited consultation on the proposed additions.

**Scenario 2: Completing a core strategy which has not yet reached publication and submission, with no change in strategy**

- 5.11 In this situation the authority will need to take a realistic review of when it will be able to submit the core strategy, the anticipated timescale for examination, and when the plan is likely to be adopted. If the likelihood is that adoption will be after regional strategy revocation, that will make it all the more important to provide within the plan a clear statement of the wider strategy within which it will operate.
- 5.12 The advice here should be equally applicable to a single-authority plan or a joint core strategy where the parties to the plan are agreed that they do not wish to change its strategic foundations.
- 5.13 In this situation, it will be helpful to all parties for the authority to set out its position immediately through a statement of intentions as suggested in Section 1. It then makes sense to produce a local strategy statement. The approach to the local strategy statement will need to reflect how close the authority is to being able to publish and submit the core strategy. Clearly, where publication is close, an LSS will be needed quickly and the approach should be geared to that situation. The advice in paragraphs 5.7 to 5.9 would appear to be equally relevant here. However, where the authority has more time before it gets to publication and submission, this would appear to offer the opportunity (if it wishes) to invest more time with its neighbours in preparing a joint local strategy statement.
- 5.14 In finalising the core strategy, it will of course be insufficient to simply say that the strategic principles and targets of the regional strategy are being continued - they will not exist any more after revocation. Rather the authority will need to write into the core strategy the relevant parts of the local strategy statement, so that the necessary strategic context will appear within the plan. Also, the authority may wish to address gaps in policy which would otherwise be created, by bringing into the core strategy specific policies from the regional strategy, and possibly aspects of national policy, as suggested in Section 3.
- 5.15 The authority may also find it helpful to consider whether the core strategy as it stands will provide an adequate basis of strategic policies for neighbourhood development plans. In particular, it may feel that greater clarity is desirable on the amount of housing or other

investment which should be planned for in particular areas, to assist those who may prepare neighbourhood plans by providing a clear strategic framework from the start.

### **Scenario 3: Completing a DPD other than the core strategy within the current strategic framework**

- 5.16 This scenario covers the case where an authority has an adopted core strategy and is advanced in the preparation of another DPD, and does not at this time wish to contemplate any change to the strategy or targets reflected in the core strategy.
- 5.17 The situation would appear to be reasonably straightforward. The DPD is not likely to be greatly affected by the abolition of the regional strategy, because the primary requirement is for it to conform with the core strategy. Therefore the work of completing the DPD can continue as planned. The only potential change would be where the authority feels that the abolition of the regional strategy or the production of the national policy framework will create significant gaps in policy coverage. Whilst the regional strategy is a strategic document, it is possible that specific policies could nevertheless fit appropriately into the DPD. Should the authority decide to do this, it would expect to refer to the relevant evidence prepared in connection with the regional strategy for justification.
- 5.18 Again, it may be opportune to consider whether the core strategy provides an adequate framework of strategic policies to give certainty to those who may prepare neighbourhood plans. If the conclusion is that it is not sufficiently clear in relation to particular areas, that may point to the inclusion of suitable policies in the DPD.

### **Scenario 4: Completing a core strategy which is at examination, but where changes to strategy or targets are proposed**

- 5.19 It is a well-known principle that a submitted DPD cannot be changed materially once it has been submitted. Therefore where this situation arises, the authority will normally have no option but to agree with the Planning Inspectorate that the core strategy should be withdrawn from examination. The authority can then bring forward the changes it wishes to make through a revised version of the core strategy, including public consultation on alternative approaches, and revision to the sustainability appraisal. The revised core strategy will then need to be published for representations in the usual way before re-publication and submission.
- 5.20 It is possible that an authority may wish to make relatively minor changes which do not go to the heart of the plan, but are nevertheless important in the local context. In such a case, the authority is advised to confer with the Inspector to establish whether the changes planned could be safely incorporated without the need to withdraw the core strategy from examination. Where this is considered practicable, the advice in paragraphs 5.10 and 5.15 above would appear to be relevant.

### **Scenario 5: Continuing a core strategy with changes to strategy and/or targets**

- 5.21 This scenario covers the situation where an authority -
- has progressed the development of its core strategy, but has not reached publication and submission;
  - wishes to complete and adopt the plan expeditiously; but
  - considers it necessary to depart from the regional strategy in some manner or to revise the housing target or other key aspect of the plan

- 5.22 In such a case, the authority will need to review its plan making timetable. As noted earlier (paragraph 4.1), there is no impediment to an authority progressing technical work on a core strategy which will not conform with the regional strategy, and carrying out consultation upon it. However, the core strategy can only proceed to examination after the enactment of the Localism Bill, which will remove the current statutory test of soundness that the plan conforms generally with the regional strategy.
- 5.23 It is advised that the authority should give priority to the production of a local strategy statement, which will set out the wider strategic context for the core strategy. It can then incorporate relevant material from the LSS into the core strategy document and develop the changes it wishes to make to strategy or targets. It can also address the matter of any gaps in strategy which will be created by the abolition of the regional strategy or production of the national policy framework, revise the sustainability appraisal (and Appropriate Assessment where necessary), consider what may be needed by way of strategic policies to provide a clear framework for neighbourhood plan preparation, and consult upon the proposed changes. To decide to take this route the authority will presumably have prior indications that the anticipated changes are defensible, practicable, and likely to enjoy broad community support.

## Section 6: 5-year land supply

- 6.1 As a generality, the basis for calculating the 5-year housing land requirement has been the target for the individual authority in the regional strategy, or the adopted core strategy where the latter was adopted later than the regional strategy. The exceptions have been the South West, where the regional strategy did not reach adoption, and Shire County areas in the West Midlands, where the adopted regional strategy did not provide District by District targets. In those cases the relevant current development plan provides the target. The reinstatement of regional strategies means that this continues to be the case until they are revoked.
- 6.2 However, when the regional strategies are revoked there will for some authorities be an issue as to how the 5-year supply should now be calculated, pending the adoption of a core strategy which will set the housing requirement.
- 6.3 PPS3 at paragraphs 53 and 54 relates the 5-year supply to the level of provision set out in the regional strategy and the relevant local development document. Accordingly, when the regional strategies are revoked, the basis for calculating the 5-year supply will presumably be the extant development plan. This was the approach taken by the Secretary of State in relation to two recovered appeals in Cornwall.
- 6.4 It therefore appears that the basis for calculating the 5 year requirement will be the adopted core strategy or, where the core strategy has not yet been adopted, the local plan/UDP or structure plan, whichever was adopted most recently. Many local plans and UDPs were prepared to end dates which have now passed or are imminent, which has led to questions as to whether they still provide a proper basis for determining the requirement. Pending a statement from CLG or further appeal decisions which address the issue, the way forward may be to calculate the requirement by projecting forward the annualised local plan/UDP requirement. The calculation of the actual supply will of course be taken from the SHLAA.