

## South East Plan Update

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awaited and I hope to be able to update members further at the meeting.

### REVISED RECOMMENDATION:

12. Members are asked to note the report and take its contents into account in the delivery of the County Council's development control function.
13. the Head of Planning Applications be authorised to review any application for which a resolution of the Planning Applications Committee has been made but the decision has yet to be issued in light of the Secretary of State's revocation of the South East Plan and the Department for Communities and Local Government Guidance for Local Planning Authorities following the Revocation of Regional Strategies dated 6th July 2010 and where she is satisfied that there is no reason to alter the decision to determine the application in accordance with the Committee resolution.

Case Officer: Sharon Thompson	01622 696052
Background Documents: Letter and question and answer advice from Steve Quartermain, Chief Planner, Communities and Local Government dated 6 July 2010	



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16 JUL 2010

A handwritten signature in dark ink, appearing to read "Nick Chard".

### Proposed abolition of Regional Spatial Strategies

Thank you for your letter of the 6<sup>th</sup> July 2010 to the RT Hon Eric Pickles MP concerning the abolition of Regional Spatial Strategies. The Secretary of State has asked me to reply on his behalf.

On the 6<sup>th</sup> July 2010 the Secretary of State revoked Regional Strategies so they are no longer part of the development plan. The "Localism Bill" which we will introduce towards the end of the year will go on to repeal the legal underpinning of regional strategies. We have provided interim advice for local planning authorities on some of the issues likely to arise following revocation of Regional Strategies, until the "Localism Bill" is enacted and the new National Planning Policy Framework is in place. A copy of the guidance is enclosed; it makes specific reference to the natural environment and both minerals and waste planning.

We recognise that there are strategic issues that cross administrative boundaries, such as major infrastructure requirements and that many local authorities are already working together to address issues of mutual interest. We do not think that central government should be either imposing answers to these issues on local communities or imposing ways of working between local authorities. Cooperation and joint working between authorities will be facilitated through a duty to cooperate which we propose to introduce.

I hope this reassures you about transition arrangements and our intention to put in place a planning system that is clear, efficient and will put power back into the hands of local councils and their communities.

A handwritten signature in dark ink, appearing to read "Bob Neill".

BOB NEILL MP

## **Guidance for Local Planning Authorities following the revocation of Regional Strategies**

The Secretary of State for Communities and Local Government confirmed today that Regional Strategies will be revoked (see the attached copy of the Parliamentary Written Statement). In the longer term the legal basis for Regional Strategies will be abolished through the "Localism Bill" that we are introducing in the current Parliamentary session. New ways for local authorities to address strategic planning and infrastructure issues based on cooperation will be introduced. 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.

### **1. Under what powers are Regional Strategies being revoked?**

Regional Strategies have been revoked under s79(6) of the Local Democracy Economic Development and Construction Act 2009 and no longer form part of the development plan for the purposes of s38(6) of the Planning and Compulsory Purchase Act 2004. This guidance covers the period between revocation of Regional Strategies and legislation to abolish them altogether.

### **2. Do Planning Policy Statements (PPSs) remain in force?**

Yes. 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.

### **3. Will this affect the London Plan?**

The London Plan will continue to provide the planning framework for London boroughs. As part of a wider process of decentralisation in London, we are reviewing how powers and discretion can be shifted downwards from central government to the Mayor and Assembly, to London Boroughs and to local neighbourhoods. This will include reviewing the scope for devolving power from the Greater London Authority down to the Boroughs and below.

*The following sections provide advice on some of the issues likely to arise following revocation of Regional Strategies, until the "Localism Bill" and the new National Planning Framework are in place. This guidance should be regarded as a material consideration by local planning authorities and the Planning Inspectorate in their decisions.*

### **4. How will this affect planning applications?**

In determining planning applications local planning authorities 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.

Local planning authorities 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.

Where local planning authorities have not yet issued decisions on planning applications in the pipeline, they may wish to review those decisions in light of the new freedoms following the revocation of Regional Strategies. The revocation of the Regional Strategy may also be a material consideration.

#### **5. Should we continue preparing LDF documents?**

Yes – the revocation of Regional Strategies is not a signal for local authorities to stop making plans for their area.

Local planning authorities should continue to develop LDF core strategies and other DPDs, reflecting local people's aspirations and decisions on important issues such as climate change, housing and economic development.

These local plans will guide development in their areas and provide certainty for investors and communities. Local authorities may wish to review their plans following the revocation of Regional Strategies. We recommend reviews should be undertaken as quickly as possible.

#### **6. How does this affect adopted local plans / LDFs?**

Adopted DPDs and saved policies will continue to provide the statutory planning framework. Local authorities may decide to review these now that Regional Strategies have been revoked. There is no need to review the whole LDF, only those issues or policies which local authorities wish to revisit. When undertaking consultation and sustainability appraisal on their draft policies, authorities should take an approach that considers the stage reached, the extent of work already undertaken and the scope of the policy changes they are making.

#### **7. What if my LDF document is still being prepared?**

Where local planning authorities are currently bringing forward development plan documents they should continue to do so. Authorities may decide to review and/or revise their emerging policies in the light of the revocation of Regional Strategies. Where authorities decide to do this they will need to ensure they meet the requirements for soundness under the current legislation. When undertaking consultation and sustainability appraisal on their draft policies, authorities should take an approach that considers the stage reached, the extent of work already undertaken and the scope of the policy changes they are making.

#### **8. Will Examinations in Public continue for DPDs?**

Yes – where local planning authorities are bringing forward new development plan documents or reviewing adopted plans they should present evidence to support their plans. The examination process will continue to assess the soundness of plans, and Inspectors will test evidence put forward by local authorities and others who make representations.

#### **9. Will data and research currently held by Regional Local Authority Leaders' Boards still be available?**

Yes. The regional planning function of Regional LA Leaders' Boards – the previous Regional Assemblies – is being wound up and their central government funding will end after September this year. The planning data and research they currently hold 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. Notwithstanding, the new Government regards the Regional Leaders' Boards as an unnecessary tier of bureaucracy.

#### **Clarification on policy issues**

*There are a number of areas where Regional Strategies supplemented the national policy framework. Further clarification on these areas is set out below.*

#### **10. Who will determine housing numbers in the absence of Regional Strategy targets?**

Local planning authorities will be responsible for establishing the right level of local housing provision in their area, and identifying a long term supply of housing land without the burden of regional housing targets. Some authorities may decide to retain their existing housing targets that were set out in the revoked Regional Strategies. Others may decide to review their housing targets. We would expect that those authorities should quickly signal their intention to undertake an early review so that communities and land owners know where they stand.

#### **11. Will we still need to justify the housing numbers in our plans?**

Yes – it is important for the planning process to be transparent, and for people to be able to understand why decisions have been taken. Local authorities should continue to collect and use reliable information to justify their housing supply policies and defend them during the LDF examination process. They should do this in line with current policy in PPS3.

#### **12. Can I replace Regional Strategy targets with "option 1 numbers"?**

Yes, if that is the right thing to do for your area. Authorities may base revised housing targets on the level of provision submitted to the original Regional Spatial

Strategy examination (Option 1 targets), supplemented by more recent information as appropriate. These figures are based on assessments undertaken by local authorities. However, any target selected may be tested during the examination process especially if challenged and authorities will need to be ready to defend them.

**13. Do we still have to provide a 5 year land supply?**

Yes. Although the overall ambition for housing growth may change, authorities should continue to identify enough viable land in their DPDs to meet that growth. Strategic Housing Market Assessments and Strategic Housing Land Availability Assessments can help with this. Local planning authorities should continue to use their plans to identify sufficient sites and broad areas for development to deliver their housing ambitions for at least 15 years from the date the plan is adopted. Authorities should also have a five year land supply of deliverable sites. This too will need to reflect any changes to the overall local housing ambition.

**14. How do we determine the level of provision for travellers' sites?**

Local councils are best placed to assess the needs of travellers. The abolition of Regional Strategies means that local authorities will be responsible for determining the right level of site provision, reflecting local need and historic demand, and for bringing forward land in DPDs. They should continue to do this in line with current policy. *Gypsy and Traveller Accommodation Assessments* (GTAAAs) have been undertaken by all local authorities and if local authorities decide to review the levels of provision these assessments will form a good starting point. However, local authorities are not bound by them. We will review relevant regulations and guidance on this matter in due course.

**15. How do we establish the need for minerals and aggregates supply without Regional Strategy targets?**

Minerals planning authorities will have responsibility for continuing to plan for a steady and adequate supply of aggregate minerals to support economic growth. They should do this within the longstanding arrangements for minerals planning. Technical advice provided by the Aggregate Working Parties, including their current work in sub-apportioning the CLG guidelines for 2005-2020 to planning authority level will assist with this.

Planning authorities in the South East should work from the apportionment set out in the "Proposed Changes" to the revision of Policy M3, published on 19 March 2010.

Planning authorities can choose to use alternative figures for their planning purposes if they have new or different information and a robust evidence base. We will work with the minerals industry and local government to agree how minerals planning arrangements should operate in the longer term.

**16. How do we establish the need for waste management without Regional Strategy targets?**

Planning Authorities should continue to press ahead with their waste plans, and provide enough land for waste management facilities to support the sustainable management of waste (including the move away from disposal of waste by landfill). Data and information prepared by partners will continue to assist in this process. For the transitional period this will continue to be the data and information which has been collated by the local authority and industry and other public bodies who currently form the Regional Waste Technical Advisory Bodies. We intend for this function to be transferred to local authorities in due course.

**17. Does the abolition of the hierarchy of strategic centres mean the end of policies on town centres?**

No. Local authorities must continue to have regard to PPS 4: *Planning for Sustainable Economic Growth* in preparing LDFs and, where relevant, take it into account in determining planning applications for retail, leisure and other main town centre uses.

In assessing any planning applications proposing unplanned growth in out of town shopping centres, particularly those over 50,000 sqm gross retail floor area, local authorities should take account of the potential impacts of the development on centres in the catchment area of the proposal.

**18. What about regional policies on the natural environment?**

Local authorities should continue to work together, and with communities, on conservation, restoration and enhancement of the natural environment – including biodiversity, geo-diversity and landscape interests. Authorities should continue to draw on available information, including data from partners, to address cross boundary issues such as the provision of green infrastructure and wildlife corridors.

**19. What about regional policies on Flooding and Coastal Change?**

Local authorities should continue to work together across administrative boundaries to plan development that addresses flooding and coastal change. For flooding matters local authorities already have a duty to co-operate under the Floods and Water Management Act. The Environment Agency will continue to work with local authorities individually and/or jointly to provide technical support on these matters. The Coalition agreement is clear that we should prevent unnecessary building in areas of high flood risk.

**20. What about regional policies on Renewable and Low Carbon Energy?**

Through their local plans, authorities should contribute to the move to a low carbon economy, cut greenhouse gas emissions, help secure more

renewable and low carbon energy to meet national targets, and to adapt to the impacts arising from climate change. In doing so, planning authorities may find it useful to draw on data that was collected by the Regional Local Authority Leaders' Boards (which will be made available) and more recent work, including assessments of the potential for renewable and low carbon energy.

**21. What about regional policies on Transport?**

Local authorities should continue to ensure their land use and local transport plans are mutually consistent, and deliver the most effective and sustainable development for their area. Local authorities should work with each other and with businesses and communities to consider strategic transport priorities and cross boundary issues.

**22. Does the end of Regional Strategies mean changes to Green Belt?**

No. The Government is committed to the protection of the Green Belt and the revocation of Regional Strategies will prevent top-down pressure to reduce the Green Belt protection. Local planning authorities should continue to apply policies in PPS2. As part of their preparation or revision of DPDs, planning authorities should consider the desirability of new Green Belt or adjustment of an existing Green Belt boundary, working with other local planning authorities as appropriate.