

POLITICAL INTELLIGENCE

Advice produced by The Planning Inspectorate for use by its Inspectors

REGIONAL STRATEGIES - FORTHCOMING ABOLITION

1. On 27 May 2010 the Rt Hon Eric Pickles MP, Secretary of State for Communities and Local Government, wrote to Council leaders highlighting the Coalition Government's commitment to rapidly abolish Regional Strategies (RS) and return decision making powers on housing and planning to local councils. The letter is available [here](#). That commitment is also in the '[The Coalition: our Programme for Government](#)' (which highlights a number of policy initiatives that will have an increasing impact on our work over the next five years). The commitment does not apply to London where the London Plan will continue to provide the planning framework for the London boroughs.'
2. The letter goes on to say that 'decisions on housing supply (including the provision of travellers' sites) will rest with LPAs without the framework of regional numbers and plans'. It also makes clear that a formal announcement on abolition will be made soon and that in the meantime 'LPAs and PINS [are] to have regard to the letter as a material planning consideration in any decisions they are currently taking'.
3. The means by which RS abolition will occur have yet to be set out in detail. However, if the Secretary of State thinks it necessary or expedient to do so the Secretary of State may at any time revoke all or any part of a regional strategy under section 79(6) of the [Local Democracy, Economic Development and Construction Act 2009](#).
4. As the intention to abolish RS has been announced, decision-makers should take it into account as a material consideration where relevant to their casework. The weight to be given to it is a matter for the decision-maker and will depend on the circumstances of each case. However, as revocation has yet to occur, to that extent the current RS is still part of the development plan.
5. It is clear from the Programme for Government that planning reforms will be based on the principles set out in the Conservative Party publication '[Open Source Planning](#)'. It should be noted that whilst this document highlights the abolition of national and regional housing targets, it also highlights the general acceptance that a five-year land supply provides a good base line from which to work. [PPS3](#) has been amended as at June 2010 but remains in force.
6. Until a formal announcement is made and/or legislation implemented, there is no change to what constitutes the development plan (or the need for an up-to-date five year supply of deliverable sites as indicated in [PPS3](#)). The starting point in considering any appeal or call-in remains s38(6) of the Planning and Compulsory Purchase Act 2004.

7. The proposed abolition of RS is a Government commitment that Inspectors and other decision-makers should take into account as a material consideration where relevant to their casework. Until RSs are abolished and any transitional arrangements put in place, Inspectors handling appeals, call-ins and DPDs should continue to treat the RS as part of the development plan.
8. Advice on handling casework involving housing supply (including the provision of travellers' sites) and other affected policy areas covered by RS is in Annex A for appeals and call-ins, and in Annex B for DPDs.

ANNEX A

APPEALS, CALL-INS, RS - HOUSING SUPPLY AND OTHER AFFECTED POLICY AREAS

1. The key test for an Inspector considering the potential relevance of the Government's emerging policy position on RS 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 the emerging policy position 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 less 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 reduced 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, RS POLICY AND HOUSING SUPPLY AND OTHER AFFECTED POLICY AREAS

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 as soon as a Ministerial statement providing greater clarity on the status of RS policy is issued.
2. **Preparation before the pre-hearing meeting (PHM)** – At the PHM, make it clear that housing and other sessions that respond to RS policy will not be scheduled until further clarity is provided by a formal Ministerial statement.
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 a Ministerial statement (if not possible go to step 5).
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 a Ministerial statement (if not possible go to step 5).
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 but indicate that Government has announced its intention to rapidly abolish the RS and the matter may need to be re-visited when further clarity is obtained.
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 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 policy announcement. Be aware that the hearing may have to be re-opened if further clarity is provided 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.
7. **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.