

29<sup>th</sup> June 2011

## **Transitional Arrangements**

### **Introduction**

1. Clause 94 of the Localism Bill has the effect of abolishing Regional Spatial Strategies (RSS). The RTPI recognises that this forms part of the Government's core reforms to the planning system and we have worked with the Government to strengthen other provision in the Localism Bill to provide a strategic planning function.
2. However, the RTPI is concerned about one particular consequence of the abolition of RSSs.
3. When RSS are abolished, one half of the 'development plan' as defined in the 2004 Planning and Compulsory Purchase Act will be lost. This will mean that those local planning authorities that followed specific government guidance and relied on particular RSS policies but did not repeat them in their LDF will be left with a potential policy vacuum when implementing their plans. Para 4.30 of Planning Policy Statement 12 (PPS12) on *creating strong safe and prosperous communities through Local Spatial Planning* states unequivocally that *The core strategy should not repeat or reformulate national or regional policy*. This means that otherwise perfectly sound LDFs which followed this advice will be left with significant gaps once the Localism Bill is enacted.
4. It is recognised that some of the policy content from RSS may be imported into the National Planning Policy Framework but, by its nature, this short and focused document may not have the directly local applicability that is required to provide a strong policy basis for decisions.
5. The amendment below is designed to provide for the continuation of only those policies that have been specified in a local plan that was submitted to the Secretary of State before the enactment of the Localism Bill. It is designed to be time limited for a maximum of three years – the period agreed for the transition arrangements contained in the 2004 Act.

### **Proposed Amendment**

6. **After subsection (3) in Clause 94 (page 71, line 40)– Abolition of Regional Strategies insert:**  
  
*(3A) Subsection (3) shall not apply to those policies in an approved regional strategy that have been specifically referred to as part of the policy content of a Local Development Framework submitted under Section 20(1) of the Planning & Compulsory Purchase Act 2004 in advance of the coming into force of this Section.*  
  
*(3B) Subsection 3A shall apply until whichever is the earlier of—*  
*(a) the end of the period of three years;*  
*(b) the day when in relation to a policy covered by subsection (3A), a new policy which expressly replaces it is adopted or approved.*
7. The amended Clause would thus read:

## **94 Abolition of regional strategies**

(1) The following provisions are repealed—

- (a) sections 82(1) and 83 of the Local Democracy, Economic Development and Construction Act 2009 (effect of regional strategies), and
- (b) the remaining provisions of Part 5 of that Act (regional strategy).

(2) Subsection (1)(b) does not apply to—

- (a) section 85(1) (consequential provision) of that Act,
- (b) Schedule 5 to that Act (regional strategy: amendments) (but see Part 15 of Schedule 25 to this Act), or
- (c) Part 4 of Schedule 7 to that Act (regional strategy: repeals).

(3) The regional strategies under Part 5 of that Act are revoked.

(3A) Subsection (3) shall not apply to those policies in an approved regional strategy that have been specifically referred to as part of the policy content of a Local Development Framework submitted under Section 20(1) of the Planning & Compulsory Purchase Act 2004 in advance of the coming into force of this Section.

(3B) Subsection 3A shall apply until whichever is the earlier of—

- (a) the end of the period of three years;
- (b) the day when in relation to a policy covered by subsection (3A), a new policy which expressly replaces it is adopted or approved.

(4) A direction given by the Secretary of State under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 (directions preserving development plan policies) is revoked if and so far as it relates to a policy contained in a structure plan.

(5) Schedule 8 (which contains amendments that are consequential on this section) has effect.

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