EXPLANATORY MEMORANDUM TO

THE TOWN AND COUNTRY PLANNING (REGIONAL STRATEGY) (ENGLAND) REGULATIONS 2010

2010 No. 601

THE LOCAL DEMOCRACY, ECONOMIC DEVELOPMENT AND CONSTRUCTION ACT 2009(CONSEQUENTIAL AMENDMENT) (ENGLAND) ORDER 2010

2010 No. 602

1. This explanatory memorandum has been prepared by the Department for Communities and Local Government and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Purpose of the instruments

2.1 The Regulations cover detailed requirements relating to the revision of regional strategies by the responsible regional authorities under Part 5 of the Local Democracy, Economic Development and Construction Act 2009 ("the Act")

2.2 The Order amends secondary legislation in consequence of the commencement of Part 5 of the Act.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 The Regulations are the first use of powers under Part 5 of the Local Democracy, Economic Development and Construction Act 2009 (regional strategy).

4. Legislative Context

4.1 Part 5 of the Local Democracy, Economic Development and Construction Act 2009 provides for a regional strategy for each region outside London. This replaces the regional spatial strategy under Part 1 of the Planning and Compulsory Purchase Act 2004 (regional functions) which is repealed by this Act and the regional economic strategy.

4.2 The responsible regional authorities in a region, comprising the local authority Leaders' Board and the Regional Development Agency, are responsible for reviewing and revising the regional strategy in their region.

4.3 Under section 80 of the Act the Secretary of State has power to make regulations as to the procedure to be followed by the responsible regional authorities in relation to revision of their regional strategy. These Regulations set the

requirements as to the bodies to be consulted in preparation of the statement of community involvement under section 75, the preparation of a project plan for intended revision of the regional strategy, and sets the applicable dates for preparation and submission of annual monitoring reports.

4.4 Section 71 of the Act requires the Secretary of State to apply Part 5A of the Local Government Act 1972 (public admission to meetings of principal councils, public access to documents etc.) to Leaders' Boards, and regulation 6 of the Regulations does so, with necessary modifications.

4.5 Section 85(2) of the Act gives the Secretary of State the power to make consequential provisions by order.

5. Territorial Extent and Application

5.1 These instruments applies to England only.

6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

- ***What is being done and why***

7.1 In July 2007 the Government published the Review of Sub national economic development and regeneration. That review announced a number of reforms including proposals to streamline the arrangements in the English regions (with the exception of London) by introducing integrated regional strategies (RS) to replace the separate regional economic strategy (RES) and regional spatial strategy (RSS), which each region currently prepares under the terms of the Regional Development Agencies Act 1998 and the Planning Compulsory Purchase Act 2004 (PCPA) respectively. The Regional Development Agency (RDA) and a new 'local authorities leaders' board' in each region are to be given joint responsibility for the new regional strategy.

7.2 The proposals have been described in a series of CLG/BIS publications:
'*Prosperous Places: taking forward the SNR'* published 31 March 2008 for consultation until 20th June 2008.
'*Prosperous Places: taking forward the SNR- the Government Response to Public Consultation*' published 25th November 2008
'*Policy Document on Regional Strategies*' published in January 2009.

7.3 Part 5 of the Local Democracy, Economic Development and Construction Act contains relevant legal provisions which replace provisions for RSS and RES in Part 1 of the Planning and Compulsory Purchase Act 2004 and in the Regional Development Agencies Act 1998. These include powers for the Secretary of State to regulate set out in subsection 80(1) of the Act.

7.4 It is the Government's policy to allow flexibility for the Responsible regional authorities so that they can establish a strategy and a process that meets the individual needs of each region. The limited list of matters which Government concluded would require regulations at this stage are those matters where consistency is required, where scope for challenge is to be reduced - namely:

- bodies to be consulted by the responsible regional authorities
- requiring project planning of any regional strategy revision
- treatment of areas of National Parks falling within more than one region
- timing for annual monitoring reports, and
- access to information requirements on Leaders' Boards.

7.5 Regulations 2 and 3 clarify and define the general and specific consultation bodies, which the responsible regional authorities (the local authorities' Leaders' Board and the Regional Development Agency for each region) must consult and, therefore, cover in their statement of policies on community involvement.

This is in compliance with the duty under section 72 of the Act (community Involvement) as to the involvement of persons interested in the exercise of the functions of the responsible regional authorities in revising strategy.

7.6 Government wants to reinforce the need for timeliness by requiring a project management approach to the revision of regional strategies . Regulation 4, therefore, requires the responsible regional authorities to prepare, agree and publish a project plan for the revision of regional strategies; this must include key dates and any revisions to the plan must be agreed with the Secretary of State

7.7 In view of the importance of consistent and regular monitoring, regulation 5 specifies the 12 month period (beginning on 1st April each year) for which annual monitoring reports are to be prepared and also 28th February as the date for submission of the previous year's report. This is effectively a continuation of existing arrangements as set out in regulation 5 of the Town and Country Planning (Regional Planning) (England) Regulations 2004 (S.I 2004/2203).

7.8 Regulation 6 applies Part 5A of the Local Government Act 1972 (access to meetings and documents of certain authorities, committees and sub-committees) to meetings of the Leaders' Board where it is acting alone and not as the responsible regional authority with the RDA. Some modifications are made to those provisions and to Schedule 12A to that Act for the purposes of their application to Leaders' Boards.

7.9 Regulation 7 applies section 70(7) of the Act and provides that the New Forest National Park is treated as falling wholly within the South East region, the North York Moors National Park and the Yorkshire Dales National Park are treated as falling wholly within the Yorkshire and the Humber region and that the Peak District National Park is treated as falling wholly within the East Midlands region.

8. Consultation outcome

8.1 A draft version of these regulations was consulted on as part of the Consultation Paper "Policy Statement on Regional Strategies and Guidance on the establishment of Leaders' Boards" which was published on 6th August 2009. The consultation period ran over 12 weeks to 30th October 2009. During that time, officials met with key bodies in each region as well as key stakeholders at national level. A summary of the consultation feedback and the Government's response will be published shortly. Substantive comments received were as follows.

8.2 Regulation 2: a number of requests were made for bodies to be added to the list of statutory consultees. Bodies in the draft list of statutory consultees have been included as either having a key role in regional development or in representing residents or workers in the region. On that basis we accept that the Homes and Communities Agency and the Trades Union Congress should also be in the list. It is for the RRA to consult others as local circumstances require. Terrestrial consenting regimes are already required, under the Marine Act 2009, to consult the Marine management organisation (MMO) and the Policy Statement on Regional Strategies (see below) similarly advises plan making bodies to consult the MMO.

8.4 Regulation 3: provision was sought for stronger/clearer roles for county councils, including those without district authority functions; strategic planning authorities advising on sub regional issues; and district councils' local delivery bodies. These bodies will already play a key role through representation on the Leaders Boards. Local councils (parish and town councils) for whom similar provision was sought are too numerous for inclusion on Leaders Boards. However, they are on the statutory consultees list.

8.5 Regulation 6: Several bodies asked for provision requiring transparency in meetings of leaders Boards to be extended to RDA boards. Since RDAs are subject to the Freedom of information Act further provision is unnecessary.

8.6 The Order was not consulted on as it simply makes consequential provision to Part 5 of the Act.

9. Guidance

9.1 Government policy is set out in the Policy Statement on Regional Strategies and guidance on the establishment of Leaders boards. Both were part of the same consultation as the draft regulations. The final guidance on Leaders' Boards was published on 22nd December 2009. The final Policy Statement on Regional Strategies is due to be published shortly. The intention is to keep guidance to a minimum; therefore there are no immediate plans to substantively add to guidance.

9.2 No guidance will be issued in relation to the Order.

10. Impact

10.1 The impact on business, charities or voluntary bodies is likely to be neutral. The measures are intended to streamline arrangements at regional level by replacing separate strategies with a single strategy process with the potential for easing the

involvement by business, charities or voluntary bodies in the revision and implementation of regional strategy.

10.2 The impact on the public sector is likely to be neutral or there may be some savings as the public sector will need to lead and engage in a single process rather than disparate parallel processes.

10.3 An Impact Assessment has not been prepared for this instrument because a provisional assessment concluded that the regional strategy provisions of the Bill, which the policy statement and regulations give effect to, did not meet the criteria on public section costs and impact on business that would require an impact assessment.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 The measures in these instruments are part of a package of reforms to streamline arrangements at regional level. The Departments of Communities and Local Government and Business, Innovation and Skills work with the Government Offices in the regions, the Planning Inspectorate and other national bodies to monitor the progress of the revision and implementation of regional strategies. Where the strategy content or process is at risk of slippage or conflict with national policy, these organisations work together to provide support.

13. Contact

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