



PINS NOTE 34/2012r6

To: All Inspectors

Date of Issue: 17 December 2012

Last update: 24 May 2013 – update to refer to the coming into effect of the revocation Orders on 20 May 2013 for the last 3 regional strategies – West Midlands, North West and the South West, together with other minor amendments.

Currency: review at 6 months after issue

REVOCATION OF REGIONAL STRATEGIES

Action

a) The Regional Strategy for the West Midlands

1. An [Order to revoke the West Midlands Regional Strategy](#) in its entirety came into force on 20 May 2013. All directions under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 preserving policies contained in structure plans in the area to which the West Midlands Regional Strategy relates have also been revoked. Now that the Order is in force, the statutory development plan for a local planning authority in the former West Midlands government region will consist of the local plans, and where they exist, adopted neighbourhood plans.

b) The Regional Strategy for the North West

2. An [Order to revoke the North West Regional Strategy](#) in its entirety came into force on 20 May 2013. All directions under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 preserving policies contained in structure plans in the area to which the North West Regional Strategy relates have also been revoked. Now that the Order is in force, the statutory development plan for a local planning authority in the former North West of England government region will consist of the local plans, and where they exist, adopted neighbourhood plans.

c) The Regional Strategy for the South West

3. An [Order to revoke the Regional Strategy for the South West](#) came into force on 20 May 2013. The Order also revokes all directions under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 preserving policies contained in structure plans in the area with the exception of policy 6 of the Somerset & Exmoor National park Joint Structure Plan Review 1991-2011, relating to the North East Somerset Green belt between Bristol and Bath, which will be retained until an up-to-date local plan is adopted by Mendip DC ([Article 3 of the Order](#)). Now that the Order is in force, the statutory development plan for a local planning

authority in the former South West of England government region will consist of the local plans, and where they exist, adopted neighbourhood plans and the retained policy described above.

d) The Regional Strategy for the North East

4. An [Order to revoke the North East Regional Strategy](#) in its entirety came into force on 15 April 2013. It should be noted that although the Written Ministerial Statement refers to the saved Northumberland County and National Park Joint Structure Plan policy S5 concerning the Green belt around Castle Morpeth, which will remain in place¹, the revocation Order makes no mention of this saved policy. DCLG have confirmed that as Policy S5 was never part of the North East RS and was an additional saved policy it does not need to be mentioned in the Order. Now that the Order takes effect, the statutory development plan for a local planning authority in the former North East of England government region will consist of the local plans, and where they exist, adopted neighbourhood plans and the saved policy described above.

e) The Regional Strategy for the East Midlands

5. An [Order to revoke the East Midlands Regional Strategy](#) in its entirety came into force on 12 April 2013. All directions under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 preserving policies contained in structure plans in the area to which the East of England Regional Strategy relates have also been revoked. Now that the Order takes effect, the statutory development plan for a local planning authority in the former East Midlands government region will consist of the local plans, and where they exist, adopted neighbourhood plans.

f) The Regional Strategy for the South East

6. An Order to partially revoke the Regional Strategy for the South East came into force on 25 March 2013. It should be noted that policy NRM6 of the RS, relating to the Thames Basin Heaths Special Protection Area has been retained ([Article 2 of the Order](#)). The Order also revokes all directions under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 preserving policies contained in structure plans in the area with the exception of policy H2 of the Oxfordshire Structure Plan 2016, relating to the former air base at Upper Heyford ([Article 3 of the Order](#)). Now that the Order takes effect, the statutory development plan for a local planning authority in the former South East of England government region will consist of the local plans, and where they exist, adopted neighbourhood plans and the retained policies described above.

g) The Regional Strategy for Yorkshire and the Humber

7. An Order to partially revoke the Regional Strategy Yorkshire and the Humber came into force on 22 February 2013. It should be noted that policies in the RSS which relate to the Green Belt around the City of York

¹ This has been retained to prevent green belt land being put at risk from unwanted development before the Council has adopted the local plans, which will define green belt boundaries.

are retained² ([Article 2 of the Order](#)), therefore the Key Diagram from the RSS is also retained insofar as it illustrates the retained York Green Belt policies and the general extent of the Green Belt around the City of York. The Key Diagram can be found after page 214 of the RSS. Unlike in the East of England the Order does not revoke any saved Structure Plan policies for the area. Now that the Order takes effect, the statutory development plan for a local planning authority in the former Yorkshire and the Humber government region will consist of the local plans, and where they exist, adopted neighbourhood plans and the retained policies described above.

h) The Regional Strategy for the East of England

8. The Order revoking the Regional Strategy for the East of England came into force on 3 January 2013³. All directions preserving policies contained in structure plans in the area to which the East of England Regional Strategy relates have also been revoked. Now that the Order takes effect, the statutory development plan for a local planning authority in the former East of England government region will consist of the local plans, and where they exist, adopted neighbourhood plans.

i) General Provisions

9. The attached table (Annex A) provides links to the Orders, DCLG announcements, Ministerial Statements and post adoption statements which give further details on the scope and effects of the revocation of the Regional Strategies so far revoked or partially revoked. Annex A will be updated to reflect the position as further individual RS are revoked.

10. Advice on the handling of appeals and call-ins casework on publication of RS revocation orders is at Annex B of this Note and on Local Plans at Annex C. Annex D contains the information (in the form of a 'flyer') to be issued to parties in relevant cases. We are now including standard wording (Annex E) in all start letters advising parties of the emerging situation in respect of RS and we will review the need to include a flyer in the future depending on the timing of the next order.

Background

11. It is Government policy to revoke all RS outside London and saved county structure plan policies, subject to the strategic environmental assessment process now in train. As of 20 May 2013 all revocation Orders have now come into effect and the regional strategies have been either revoked in their entirety or partially revoked until retained policies have been adopted in the relevant local plans.

² This has been retained as the City of York does not currently have a Local Plan in place with defined green belt boundaries.

³ From the date an SI is laid MPs and Peers have a 40 day period within which a resolution may be moved "praying" that the instrument be annulled. This does not affect it coming into force which will happen automatically on the date specified in the Order. If a motion to annul the instrument is tabled and agreed within the 40 days, no further proceedings may be taken under the instrument after the date of the resolution and the instrument may be revoked by a separate Order. But the resolution does not affect anything done under the instrument before the resolution. This Order is made under the negative resolution procedure. It is uncommon for Orders laid using this negative resolution procedure to be challenged, controversial matters are dealt with under the affirmative resolution procedure.

12. PINS Notes 36/2011 and 37/2011 give advice on the environmental assessments carried out as part of the Government's proposed revocation of Regional Strategies. There is also a short note available on the planning portal ([Regional Strategies – Brief overview](#)), aimed primarily at appellants and interested parties covering the background to RSs and their revocation.

13. Please contact XXXX if you have any queries on this Note generally, XXXX if it relates to a specific S78 planning appeal casework matter, XXXX for S174 enforcement appeal or specialist casework, or XXXX with regard to plan matters. Non Salaried Inspectors (NSIs) should contact XXXX initially for general queries on this Note, or the AD/GM (XXXX) concerning possible reading or the need to re-open an event.

XXXX

Chief Planning Inspector

STATUS OF REGIONAL STRATEGIES REVOCATION ORDERS

RS Title	Date of Revocation	Link to Revocation Order, and to any accompanying Ministerial Statement or Chief Planner letter etc
East of England Regional Strategy	3 January 2013	Revocation Order (including further link to associated Ministerial statement)
		Post adoption Statement
		DCLG announcement
Yorkshire and the Humber Regional Strategy	22 February 2013	Partial Revocation Order (including further link to associated Ministerial statement)
		Post adoption Statement
		DCLG announcement
South East of England Regional Strategy	25 March 2013	Partial Revocation Order Ministerial statement
		Post adoption Statement
		DCLG Announcement
East Midlands Regional Strategy	12 April 2013	Revocation Order Ministerial statement
		Post adoption Statement
		DCLG Announcement
North East of England Regional Strategy	15 April 2013	Revocation Order Ministerial statement
		Post adoption Statement
		DCLG Announcement
West Midlands Regional Strategy	20 May 2013	Revocation Order Ministerial statement
		Post adoption Statement
North West of England Regional Strategy	20 May 2013	Revocation Order Ministerial statement
		Post adoption Statement
South West of England Regional Strategy	20 May 2013	Revocation Order Ministerial statement
		Post adoption Statement

APPEALS, CALL-INS⁴

1. It is necessary for Inspectors to have addressed their minds to the effect of the RS revocation on appeals and call-ins, to consider whether any policies relied on have been altered by the revocation and to consider what action to take in the interests of fairness to the parties.

2. In cases potentially affected, for a short period case officers will alert the main parties⁵ via a 'flyer' of the need to consider whether to include reference to the RS revocation in their representations on already submitted appeals. The flyer is reproduced in Annex D to this PINS Note. However, appeal parties will rapidly assimilate the effects of RS revocation and this will be a short term measure. Where a site visit, Hearing or Inquiry is yet to be held or is sitting this should be possible as part of submissions at the event or as written representations.

3. With regard to cases currently before the Inspector, the following approach has been developed to assist in determining which cases can proceed and should not need any additional action, and which due to their current stage in the process may merit reopening or may be dealt with by a reference back to the parties for comment. **HAS casework** is considered to be unlikely to be affected by the RS revocation, and so for HAS casework Inspectors should only ask the office to go back to the parties where they consider this is absolutely essential.

(a) in cases where:

- parties have already made submissions that they are relying on recently adopted development plan policies and in light of the evidence the Inspector judges reasonably that the development plan policies are not affected by the RS revocation;
 - the parties' submissions have not been contradicted by other parties; and
 - there is no reference either to revoked RS policies or to local policies reflecting them,
- then no further action is required. The Inspector may wish to consider whether an explanatory line as in paragraph 4 below is appropriate;

(b) where the parties' cases rely primarily on existing local development plan policies and the parties have not stated whether such policies are affected by the RS revocation, or they rely on revoked RS policies, then the parties should be asked whether they wish to make representations in the light of the revocation of the RS (within 10 working days in normal circumstances). This applies regardless of whether or not the Inspector considers that his or her decision will turn on the relevant development plan policies or revoked RS policies;

⁴ This guidance applies to all appeal case types.

⁵ This in all such circumstances should cover the main parties (LPA, Appellant's side, and Rule 6 Parties), with others included at the Inspector's discretion. The LPA only needs to be informed once, rather than for each individual appeal.

(c) if the inquiry or hearing has closed, the Inspector can seek written representations on the implications of the RS revocation or, if in specific circumstances it is considered necessary to result in fairness for the parties, may consider reopening the inquiry or hearing (if a transferred appeal - Chart should then be advised). Before deciding to reopen an event Inspectors should discuss such cases with their SGL or GM; Non Salaried Inspectors (NSIs) should contact XXXX, who will refer to the GM. In bespoke cases the target may need to be adjusted. Inspectors should contact XXXX for further advice; and

(d) although ordinarily for SoS casework we would not seek views once an event has closed, PINS may where appropriate refer back to the parties on RS revocation issues, and as above may in certain circumstances consider the need to re-open events. Inspectors should contact XXXX for further advice.

4. In the event that a decision has been sent to Despatch prior to the publication of the RS revocation order, but has not yet been despatched at the point of the revocation order's publication, then the Despatch Team will return the decision (and the file where this has been received in the office) to the Inspector. The Inspector will have to decide whether the case merits reconsulting with the parties or whether suitable explanatory text (for example, 'the effect of the revocation of the Regional Strategy has been considered but in the light of the facts in this case the revocation does not alter my conclusions') can be inserted. The judgement made by the Inspector must be a reasonable one, taking account of the need to avoid delaying decisions wherever possible. The decision should then be sent to Despatch as usual. Please note that this is an amendment to PINS Note 34/2012r1 which asked Inspectors to include a note confirming that the RS revocation had been considered. Despatch will now issue decisions as submitted whether or not a note has been included in relation to the revocation of any of the RS's.

LOCAL PLANS

1. Inspectors should seek to minimise delays, while giving parties an opportunity to make representations in the interests of fairness. The first guiding principle in development plan work is where possible to ensure that sessions where representations may currently rely on RS policy are re-programmed, and substituted with sessions not so affected, or that space is provided for relevant issues to be revisited before the examination is closed.
2. **Preparation before the pre-hearing meeting (PHM)** – At the PHM, make it clear that sessions where representations may currently rely on policy as stated in or reflecting previously existing RS will be scheduled so as to give all parties the opportunity to take into account in their representations the potential effect of revocation.
3. **Preparation after the pre-hearing meeting (PHM) and relevant sessions scheduled** – Defer discussion of policy topics where representations potentially reflect previously existing RS policy until the parties have been given an opportunity to consider the potential effect of revocation as in step 2. Substitute with sessions not so affected.
4. **Examination hearings in progress** – Programme discussion of policy topics where representations potentially reflect previously existing RS policy to allow an opportunity to consider the potential effect of revocation as in step 3 (if not possible go to step 5).
5. **Examination hearings in progress where previously existing RS related issues are the current topic** - Continue on the basis of RS revocation), but where necessary, after canvassing the views of the parties, allow a suitable adjournment as in step 4.
6. **Examination hearings in progress but previously existing RS-driven issues are already dealt with** – Inform examination parties that it will be necessary to reopen the issue to allow an opportunity as in step 5.
7. **Report is being prepared** - Seek the views of the parties on the implications of the RS revocation. Be prepared to re-open the examination to allow an opportunity as in step 6.
8. **Report completed but not yet sent for fact check** – 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.

**Revocation of <Area.....> Regional Strategy flyer
<Date.....>**

On <Date.....> the Government laid an Order in Parliament to revoke the Regional Strategy for the <Area.....>. The Order came into force on <Date.....>. The Regional Strategy for <Area> has now been revoked/revoked in its entirety*. However, the following policy/policies* have been retained <specify policies.....>.

In preparing your appeal evidence you may wish to address whether the effect of the revocation would have any bearing on your case, because the Inspector will wish to be aware of any implications (given the provisions of S38(6) of the Planning and Compulsory Purchase Act 2004).

a) If the appeal has already reached a stage where evidence has been submitted, you should, depending on the stage reached, cover the matter in your statement of case, or for written representations cases only address it in your final comments.

or

b) In cases where Statements (and final comments for written representation cases) have already been submitted your further evidence or comments must be **addressed solely to this matter.**

Please make it clear that you are responding to this specific request by heading your correspondence "<Area.....> Regional Strategy" to avoid the possibility of it being returned as out of time.

A copy **must** be sent to PINS and the other main party within seven working days of the date of the letter / email accompanying this flyer, confirming to our case officer that you have done so.

Upon receipt of such evidence you will then have a further 7 working days to make any comments which should be copied to the other main party and also the case officer. It is incumbent upon both parties to act in accordance with this flyer as PINS will not be cross copying such evidence.

*Delete as appropriate

Standard paragraph used in start letters

'All Regional Strategies (RS) have now had Strategic Environmental Assessments published into the potential impact of their revocation. Based on the findings of these Assessments the government will consider whether or not the RS should be revoked in line with its proposal to abolish Regional Strategies. Most have now been revoked in response and in her statement of 25 July 2012, Baroness Hanham stated that "the proposed revocation of the Regional Strategies may be regarded as a material consideration by decision makers when determining planning applications and appeals". In the circumstances, you should carefully consider the current status of the relevant RS in relation to this appeal if you are intending to refer to it in the evidence that you provide.'