

Spatial Planning in England: harmonising national and local priorities

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Introduction

The spatial development plan in England comprises both a regional and local tier. This paper focuses on the regional level and will illustrate how the regional plan making process works to harmonise national and local policies. However, the experience of spatial planning and, in particular, preparing Regional Spatial Strategies has also highlighted some issues for ongoing debate. Views vary about the balance between central and local determination and the distinction between national, regional and local policies; the need for timely plans set against the importance of a robust evidence base and extensive public consultation; and the implementability and subsequent delivery of long term strategies. Having prepared the first round of Regional Spatial Strategies in England it is now a good time to explore these issues and reflect on the successes as the stepping stone for future plan making arrangements and their delivery.

The Spatial Planning System in England

The spatial planning system in England came into operation in 2004 after the passing of the Planning and Compulsory Purchase Act (2004). The 2004 act shifted the statutory planning system from a “land use” to a “spatial” planning approach.

Spatial planning goes beyond traditional land use planning to bring together and integrate policies for the development and use of land with other policies (such as education and health) and programmes (such as Multi Area Agreements and Local Area Agreements) which influence the nature of policies and how they function. This includes policies which can impact on land use by influencing the demands on, or needs for, development but which are not capable of being delivered solely or mainly through the granting or refusal of planning permission and which may be implemented by other means.

Description of England’s spatial planning system

Policies at national level are set out in a suite of Planning Policy Statements, guidance and Ministerial statements to the house (see in particular Planning Policy Statement 1, Planning Policy Statement 11 and Planning Policy Statement 12).

Planning Policy Statement 1 makes clear that the development plan system in England operates at two statutory spatial tiers:

- **local**, through Local Development Frameworks (LDFs); and
- **regional**, through Regional Spatial Strategies (RSS).

The Local Development Framework and the Regional Spatial Strategy combined form the development plan and are the starting point for the consideration of planning applications.

The Regional Planning System in England

Regional Spatial Strategies – the key principles:

England divides into nine regions. Eight are covered by Regional Spatial Strategies with London, the ninth region, covered by the London Plan.

England: Regions



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The Regional Spatial Strategy, sets out the broad development strategy for the region for a fifteen to twenty year period. Matters to be taken into account are expected to include housing (including the scale and distribution of new housing) housing, economic development, minerals, waste treatment and disposal and climate change. Further, the regional transport strategy is integrated within the Regional Spatial Strategy. Guidance on Regional Spatial Strategies, Planning Policy Statement 11 (PPS11), was published in 2004.

The Strategy establishes broad locations and criteria for development and provides the strategic planning context to inform both the Local Development Framework and the local transport plan.

Regional Spatial Strategies can include sub-regional policies where there is a strategic policy deficit. Sub-regions are defined as functional areas (determined through real geographies of place) for example travel to work or sub regional housing market areas. This allows development issues that often cross Local Authority boundaries to be addressed.

Regional Spatial Strategies which share borders with Wales and Scotland also promote inter-regional planning strategies which are mutually beneficial. For example the North West's Regional Spatial Strategy and the Wales Development Plan promote a joint sub-regional approach towards the growth of the City of Chester to the benefit of North West Wales which is affected by development in Chester.

A key principle of PPS11 is to better integrate the Regional Spatial Strategy with other regional strategies including the Regional Housing Strategy and the Regional Economic Strategy and its related action plans.

And finally, Community participation and the engagement of stakeholders is integral to the plan making process.

Roles and Responsibilities

Regional Spatial Strategies are prepared at the moment by Regional Planning Bodies hosted by Regional Assemblies who draft, implement, and monitor the Strategy. The Regional Assemblies are funded by the Secretary of State for Communities and Local Government to undertake this work.

The final Regional Spatial Strategies are issued by the Secretary of State for Communities and Local Government. Different arrangements operate in London where the elected London Mayor both prepares and issues the London Plan.

Government Offices in the Regions are the regional arm of central Government Departments. They lead in commenting on the draft plan, representing Government at the independent Examinations and preparing the proposed and final changes to the plan.

Central Government Departments prepare the national policy and guidance. Communities and Local Government is the lead department for planning.

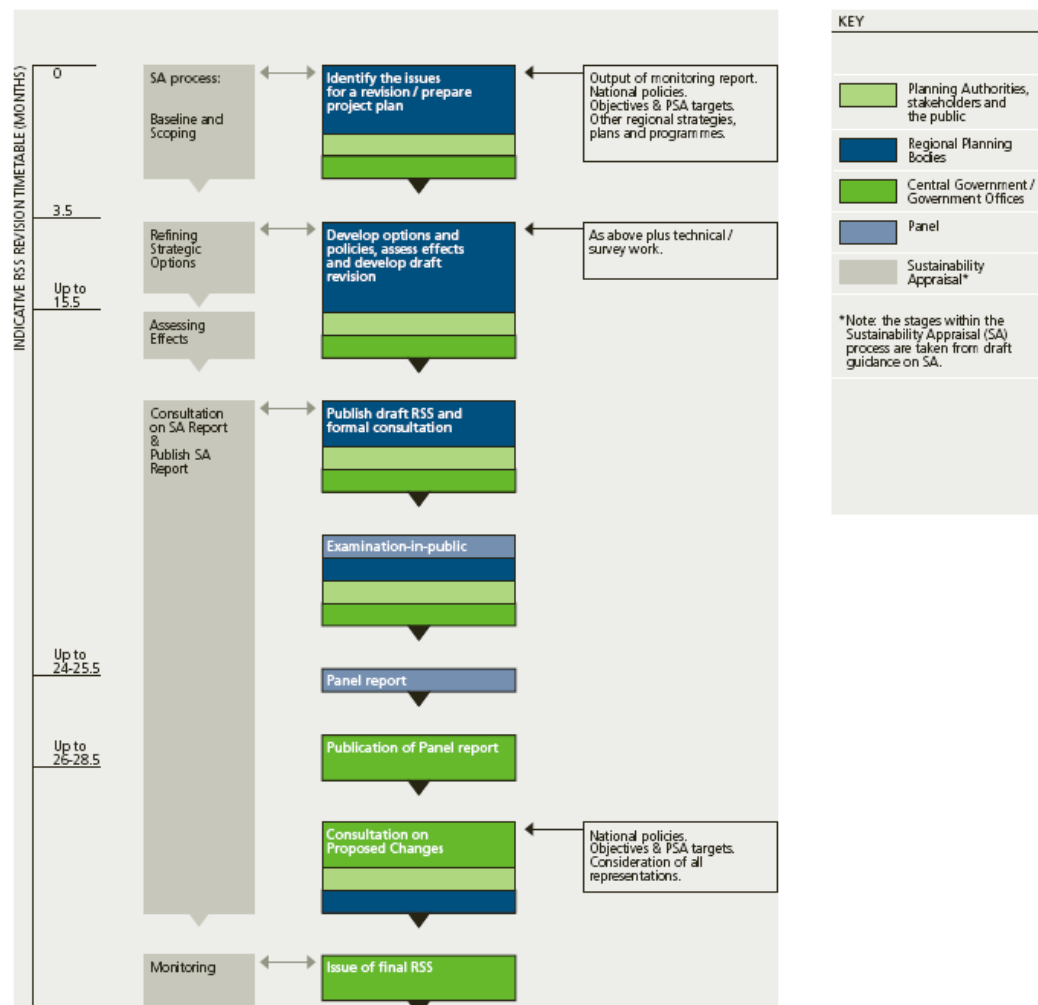
The Main Stages in the Regional Spatial Strategy Preparation Process

1. The first stage is the preparation of, and consultation on, a project plan setting out the timetable for revision along with evidence base work to inform the plan.
2. The draft revision is then prepared by the Regional Planning Body, consulting the Government Office for the Region as appropriate, and in conjunction with other regional stakeholders. In preparing the draft revision the Regional Planning Body is required under the Act to involve the community in preparing the proposed revisions. Once prepared, the draft revision of the Regional Spatial Strategy is produced and submitted to the Secretary of State by the Regional Planning Body.
3. Following submission there is a formal 12 week period of public consultation. Representations in response to the consultation are made to the secretary of the independent panel that hold an Examination in Public.

4. The draft revision of the Regional Spatial Strategy is then tested at an Examination in Public in front of an independent Panel. The Panel prepares a report making recommendations to the Secretary of State about the draft strategy.
5. In the light of the Panel's recommendations and the representations made, the Secretary of State (or relevant Minister acting on behalf of the Secretary of State) will determine Proposed Changes (usually in the form of a revised draft of the Regional Spatial Strategy and a report on changes). Proposed Changes are then subject to a further 8-week period of public consultation; and
6. After taking account of any further representations, the Secretary of State for Communities and Local Government issues the revised Regional Spatial Strategy. London has its own process with the London Plan issued by the Mayor to reflect his particular responsibilities and accountability.

Figure 2.1 from Planning Policy Statement 11: Regional Spatial Strategies illustrates the Regional Spatial Strategy revision process

Figure 2.1 – RSS Revision Process



Progress in Regional Plan Making

At the time of writing, February 2009, Regional Spatial Strategies have been issued by the Secretary of State for Communities and Local Government for Yorkshire and Humber, the North West, the North East and the East of England Regions. The London Mayor has issued the London Plan and further alterations to that plan. Proposed Changes have been published and the consultation now closed for the East Midlands, South West and South East regions with Regional Spatial Strategies in all three regions due to be issued shortly. And West Midlands phase 2 (in line with the phased approach to strategy making in that region) is shortly going to be tested at Examination in Public. This represents a high level of success in plan making at the regional tier.

Balancing Central and Local Ambitions

Achieving balance through the plan making process

The regional tier of the planning system inevitably acts as an interface between central and local ambitions. Since taking office the Labour Government have been committed to a more bottom up style of policy making and this can be seen in the nature of reforms to the regional planning system. The Regional Planning Body is responsible for drafting the Regional Spatial Strategy and its membership is primarily drawn from local authorities (at least 60% from district, county, metropolitan, National Park or broad authorities) with some 30% comprised from other regional stakeholders. And regional and local accountability is further strengthened through the plan making process itself. The Regional Planning Body must involve the local tiers of government (County Councils, unitaries, metropolitan and national park authorities) in the preparation of plans and look first to these authorities to prepare any sub regional elements of the plan. Further, public consultation is woven into the preparation of the draft Regional Spatial Strategy as well as through the formal consultation periods in the later stages of the Regional Spatial Strategy process (see figure 2.1, PPS11).

When the independent panel examines the Regional Spatial Strategy, the panel is required to satisfy themselves that the draft plan meets criteria laid down to assess soundness (para 2.49, PPS11). These tests include: whether the Regional Spatial Strategy is consistent with national planning policy and, if not, whether the case has been adequately made for departing from national policy; and whether the Regional Spatial Strategy is founded on a robust and credible evidence base.

The Secretary of State will also ensure consistency with national policy by making changes to the draft Regional Spatial Strategy on receipt of the report from the independent panel. However, whilst the Secretary of State is responsible for publishing the Regional Spatial Strategy, he must also publish his reasons for making the proposed changes and consult on them. There are constraints on the degree of changes he can therefore make, in accordance with a test of reasonableness recognised by the courts which makes clear that changes must be based on sound evidence and sound reasons.

The potential for tension between the bottom up approach and national ambition is illustrated when examining the approach to housing in Regional Spatial Strategies. In line with Planning Policy Statement 3: housing, Regional Spatial Strategies are to identify the need for additional housing and how this provision should be distributed. The Housing Green Paper, July 2007, made clear that the current round of Regional Spatial Strategy revisions, which have been driven by evidence prepared by the regions, were expected to fall short of meeting national expectations in housing growth and housing need.

Figure 12: Comparison of housing supply levels in current Regional Planning Guidance to the draft Regional Spatial Strategies and the 2004-based household projections



In response the Government proposed to strengthen the evidence base for further RSS revisions by issuing its own formal guidance on the range of housing provision required over a 15 to 20 year period.

Achieving balance through the distinction of policies at national, regional and local level

Regional Spatial Strategies should have regard to national policies but do not need to repeat them. The Strategies should therefore only address regional or sub-regional issues and policies should be spatially specific to reflect the circumstances of the region. Nor should Regional Spatial Strategies address local issues which are best captured in the Local Plan, for example, site specific allocations.

The Government's policy on the role of the Regional Spatial Strategy is set out in the various Planning Policy Statements. Some such as Planning Policy Statement 3: housing and Planning Policy Statement 25: development and flood risk are more explicit about the need for regional specific policies. There is also some consistency between regions on policy issues discussed at the Examination of plans. Examinations in most regions included debate

about the core spatial strategy, definitions of the urban hierarchy, housing projections and distribution, flooding, green belt policy, the economy, transport and implementation.

Achieving Both Timely and Robust Plans

The importance of a flexible process

The indicative timetable for preparing Regional Spatial Strategies set out in PPS11 suggests a process of some two and a half to three years. In practice, the time taken from preparation to publication of the first round of Regional Spatial Strategies has been some three to four and a half years. This variation in timetable in part reflects variation in the circumstances of each region and illustrates the need to allow for flexibility in the process. In the East of England, for example, there were some 21,500 comments made against the draft RSS which compares with just 2,400 in the North East. Those regions seeking to accommodate the highest levels of growth evoked the highest levels of stakeholder engagement and comment during consultation and consequently took longer.

The approach to certain policies and nature of debate at the independent examinations also varied between regions on some issues. For example, on the approach to sub-regions Yorkshire and Humber have a long tradition of well defined sub regions which cover the entire region. This compares to the South East where sub-regional definitions are newer, less universally accepted, and the proposed approach covers only parts of the region.

Evidence based plan making

Inevitably there is pressure for a tight timetable and rapid delivery of plans. But this must be set against the need for policies to be founded on a robust evidence base provided by regional and local bodies (for example Regional Observatories and Local Authorities). To an extent evidence is continually refined and updated such that policies are founded on best available evidence at a given time. In some cases, however, where it is not possible to determine policy in the Regional Spatial Strategy due to lack of evidence, an explicit commitment is made for an immediate revision of a particular policy in the Regional Spatial Strategy.

Compliance with European Directives

The final issue which has impacted on the timetable for Regional Spatial Strategy reviews is the need to ensure compliance with European Directives, most notably the Strategic Environmental Assessment, the Habitats Regulations Assessment and the Environmental Impact Assessment.

Implementation and Monitoring

Implementation

One of the tests of soundness, examined by the independent panel, is whether the Regional Spatial Strategy can be implemented. The Regional Planning Body is required to demonstrate this by setting out in an agreed implementation plan who is responsible for delivery, key actions, timescales and outputs. Practice suggests that the implementation plan needs to be produced as a separate document and updated more regularly than the Regional Spatial Strategy.

Regional Spatial Strategies contain policies beyond those related to land use and development. The current challenge is therefore to engage a wider suite of infrastructure providers, including the private sector utilities, in the Regional Spatial Strategy process including signing up to the implementation plan.

Regional Funding Allocations

To support the integration of transport, economic and spatial development strategies and their implementation the Government examined new ways to allow regions to influence future spending decisions. The Regional Funding Allocations process allows regions to submit their own advice on funding priorities for regions for the next ten years covering aspects of transport housing and economic development. Further, shared implementation plans have been encouraged between the Regional Planning Body and Regional Development Agency as a platform toward the greater alignment of regional strategies.

Monitoring

In order to monitor delivery of the strategy, policies should be quantified and output targets and indicators set. The Government has designed core output indicators as part of the monitoring framework to achieve a consistent and cost effective approach to data collection. Regional Planning Bodies are required to monitor the outcomes of the regional plan and, using the national indicator set and the core indicator set, to report on progress through publication of an annual monitoring report. This analysis will signal whether implementation of the Regional Spatial Strategy is being achieved and whether there is a need for a further revision of the plan to amend the policy.

The Wider Planning Reform Agenda

The Planning Bill

The importance afforded to the implementation reflects a wider recognition of the need for adequate provision of infrastructure. In particular, through the Planning Bill 2008, Government introduced proposals for a new single regime to support provision of nationally significant infrastructure. National Policy Statements are to be prepared covering a range of infrastructure sectors (for example, renewables, fossil fuel, electricity networks, oil and gas infrastructure, ports, national networks of roads and railways, and airports). A newly established Independent Planning Commission will use the National Policy Statements to examine and decide applications for nationally significant infrastructure projects (see Planning for a Sustainable Future).

Further, the Planning Bill 2008, included proposals for the introduction of a Community Infrastructure Levy. The Levy will provide a new power for Local Authorities to require developer contributions for infrastructure.

The Local Democracy, Economic Development and Construction Bill: proposals for a single Regional Strategy

Most recently the Government conducted a sub-national review on economic growth and regeneration and concluded the value of a single Regional Strategy to promote greater integration of economic and spatial planning. The approach will build upon the experience obtained through the preparation of Regional Spatial Strategies. In particular, the Strategy will remain the regional tier of the statutory development plan and provide the overarching strategic framework for the region for a 15 to 20 year time period. It will integrate the

substance of other regional strategies (culture and sport, housing, biodiversity and transport), focus on issues best addressed at the regional level, and be locationally but not site specific. The single Regional Strategy is to be accompanied by a statutory implementation plan which is expected to need updating more regularly than the Strategy itself. Proposals for the single Regional Strategy are being introduced through the Local Democracy, Economic Development and Construction Bill (see the Policy Document on Regional Strategies 2009)

Conclusions

Reforms introduced to the planning system in England, 2004, established Regional Spatial Strategies as the top tier of the statutory development plan. This heightened their importance in both determining planning decisions and informing policies in local plans.

Sitting between the national and local tiers of Government, the regional tier inevitably acts as an interface. Through a bottom up process of strategy making, set against a national policy context and independent testing, the Regional Spatial Strategy process itself manages to balance both central and local ambitions. Further the process is sufficiently flexible to accommodate the variety of policy and process considerations in each region. However challenges remain. In particular there is a need for evidence based plans, prepared with high levels of stakeholder and community engagement, which are published in a timely manner. There also remains a need to ensure policies in the plans are adequately implemented including the provision of supporting infrastructure. These challenges will now be taken forward through a new regional planning regime: the single Regional Strategy currently being introduced through the Local Democracy, Economic Development and Construction Bill.

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