

LOCAL DEMOCRACY, ECONOMIC DEVELOPMENT AND CONSTRUCTION ACT 2009

EXPLANATORY NOTES

COMMENTARY

Part 5: Regional Strategy

Section 70 - Regional Strategy

156. This section provides for a regional strategy in each region other than London. A regional strategy must set out policies in relation to sustainable economic growth, development and the use of land within the region and can include different policies for different areas within the region.
157. The regional strategy is to include policies to contribute to the mitigation of, and adaptation to, climate change.
158. The regional strategy replaces the regional spatial strategy for the region, which sets out the Secretary of State's policies in relation to the development and use of land within the region, and the regional economic strategy for the region, which is the strategy produced by the regional development agency for the region relating to its purposes. These include the furtherance of economic development and regeneration of the region, the promotion of employment, business efficiency and investment, and contribution to sustainable development.
159. On commencement of this section, the existing regional spatial strategy and the existing regional economic strategy for an area become the regional strategy.

Section 71 - Leaders' Boards

160. This section provides for participating authorities to set up "Leaders' Boards" for the purposes of this Part of the Act. The Leaders' Board is a means to enable local authorities to act collectively at regional level. District and county councils and (where relevant) National Park authorities and the Broads Authority must make and consult on a scheme for establishing and operating a Leaders' Board. The participating authorities must submit the scheme to the Secretary of State for approval before establishing the body in accordance with the approved scheme.
161. The section gives the Secretary of State the power to fund the Leaders' Board or a participating authority in respect of that Board. It also gives the Secretary of State power to withdraw approval for the Leaders' Board where this is not operating effectively. The section also requires the Secretary of State to make regulations covering access to information requirements in relation to Leaders' Boards.

Section 72 - Responsible regional authorities

162. This section provides that the regional development agency (RDA) and local authorities' Leaders' Board for the region, are, jointly, the "responsible regional authorities" referred to throughout the remainder of this part of the Act. If there is no Leaders' Board, the RDA will act alone.

Section 73 – Sustainable development

163. This section requires the bodies responsible for regional strategy to exercise their functions with the objective of contributing to the achievement of sustainable development and having regard to the desirability of achieving good design.

Section 74 – Review and revision by responsible regional authorities

164. This section gives the responsible regional authorities a duty to keep the regional strategy and relevant matters under review and explains when a draft revision is to be prepared either of part or the whole of the strategy.

Section 75 - Community involvement

165. This section requires the responsible regional authorities to prepare, publish and comply with a statement setting out their policies for involving interested persons when preparing a draft revision of a regional strategy.

Section 76 - Examination in public

166. The section provides for the responsible regional authorities to arrange for an examination in public into the draft revision to be held by a person appointed by the Secretary of State. If the responsible regional authorities decide not to arrange for such an examination, the Secretary of State has the power to do so and to appoint a person to hold it. There is no automatic right for a person to be heard at an examination in public. The person holding the examination in public must report to the responsible regional authorities and send a copy to the Secretary of State.

Section 77 - Matters to be taken into account in revision

167. This section sets out the matters the responsible regional authorities must take into account when preparing a revision. Along with the draft revision they must prepare, publish and submit a sustainability appraisal report of the draft revision.

Section 78 - Approval of revision by Secretary of State

168. Once the responsible regional authorities have prepared and published a draft revision of the regional strategy and the sustainability appraisal report, this section requires them to submit these to the Secretary of State. The Secretary of State can then choose, subject to consultation, either to approve the draft revision as it stands or to modify it before approving it. In deciding whether or not to make modifications, the Secretary of State must have regard to any examination in public report and any representations made either to the responsible regional authorities or to the Secretary of State. Once the strategy has been approved, the responsible regional authorities are required to publish it.

Section 79 - Reserve powers of Secretary of State

169. This section sets out the Secretary of State's reserve power to revise a regional strategy in whole or in part, where the responsible regional authorities fail to do so at the time specified in regulations or directions. It also sets out the Secretary of State's reserve power to revoke a regional strategy where the Secretary of State thinks it, necessary or, expedient to do so.

Section 80 - Revision: supplementary

170. Section 80 sets out the Secretary of State's power to make regulations for procedural matters in connection with revisions of regional strategies. It also makes a saving provision for any steps already carried out in relation to a revision of an existing regional spatial or economic strategy at the time that this Part of the Act is commenced.

Section 81- Implementation

171. This section imposes duties on the responsible regional authorities to implement and monitor the regional strategy. In particular, they must publish and keep up to date an implementation plan and must make an annual report.

Section 82 - Regional strategy as part of the development plan

172. The regional strategy is part of the statutory development plan for an area (and applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise - see section 38 of the Planning and Compulsory Purchase Act 2004). Until the strategy is revised, this section provides that the statutory development plan for an area will only consist of the policies that were previously in the regional spatial strategy.

Section 83- Duties of regional development agencies

173. This section requires regional development agencies to have regard to the regional strategy in exercising their functions.

Section 84 - Guidance and directions

174. This section gives the Secretary of State power to give guidance and directions in relation to the exercise of functions under this Part of the Act.