

**2018 No. 827**

**TOWN AND COUNTRY PLANNING, ENGLAND**

**The Combined Authorities (Spatial Development Strategy)  
Regulations 2018**

<i>Made</i>	- - - -	<i>10th July 2018</i>
<i>Laid before Parliament</i>		<i>12th July 2018</i>
<i>Coming into force</i>	- -	<i>9th August 2018</i>

The Secretary of State, in exercise of the powers conferred by sections 334(7), 335(2)(b) and (d), (3)(d) and (7), 337(4) and (5), 338(8), 342(1) and 343 of the Greater London Authority Act 1999(a), (as applied with modifications by the Greater Manchester Combined Authority (Functions and Amendment) Order 2016(b), the Liverpool City Region Combined Authority (Functions and Amendment) Order 2017(c) and the West of England Combined Authority Order 2017(d)) and having consulted the Lord Chancellor in accordance with section 338(8) of the Greater London Authority Act 1999, makes the following Regulations:

**Citation, commencement and application**

**1.**—(1) These Regulations may be cited as the Combined Authorities (Spatial Development Strategy) Regulations 2018 and come into force on 9th August 2018.

(2) These Regulations apply in relation to the following authorities—

- (a) the Greater Manchester Combined Authority(e);
- (b) the Liverpool City Region Combined Authority(f);
- (c) the West of England Combined Authority(g).

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(a) 1999 c.29. Section 342(1) was substituted by the Planning and Compulsory Purchase Act 2004 (c.5), section 118(2) and Schedule 7, paragraphs 22(1) and (3), and subsequently amended by the Local Democracy, Economic Development and Construction Act 2009 (c.20), section 85(1) and Schedule 5, paragraphs 9 and 10. Section 342(1) is also modified by S.I. 2016/1267, S.I. 2017/430 and S.I. 2017/126.

(b) S.I. 2016/1267.

(c) S.I. 2017/430.

(d) S.I. 2017/126.

(e) The combined authority was established by the Greater Manchester Combined Authority Order 2011 (S.I. 2011/908).

(f) The combined authority was established by the Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral Combined Authority Order 2014 (S.I. 2014/865). Article 3(2) provides that “the combined authority is to be a body corporate and to be known as the Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral Combined Authority. However, section 104(4) of the 2009 Act applies section 97 of the Local Transport Act 2008 (c. 26) (change of name of ITA) to a combined authority as it applies to an Integrated Transport Authority and on 1 April 2014 the Combined Authority passed a resolution, in relation to which the requirements mentioned in section 97(2) were met, to change the name by which the Combined Authority is known from the Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral Combined Authority to the Liverpool City Region Combined Authority.

(g) The combined authority was established by the West of England Combined Authority Order 2017 (S.I. 2017/126).

## **Interpretation**

### **2.—(1) In these Regulations—**

“by advertisement” means by publication in the London Gazette and by local advertisement;

“by local advertisement” means by publication on at least one occasion in two successive weeks in a newspaper circulating in the combined authority area;

“the combined authority area” means the area of—

- (a) the Greater Manchester Combined Authority,
- (b) the Liverpool City Region Combined Authority, or
- (c) the West of England Combined Authority

as appropriate; and

“the GLA Act” means the Greater London Authority Act 1999, as applied with modifications in relation to—

- (a) the Greater Manchester Combined Authority and the combined authority area, by the Greater Manchester Combined Authority (Functions and Amendment) Order 2016,
- (b) the Liverpool City Region Combined Authority and the combined authority area, by the Liverpool City Region Combined Authority (Functions and Amendment) Order 2017, and
- (c) the West of England Combined Authority and the combined authority area, by the West of England Combined Authority Order 2017.

(2) These Regulations apply in relation to proposals to alter or replace the spatial development strategy as they apply in relation to a proposed spatial development strategy.

## **PART 1**

### **FORM AND CONTENT OF THE SPATIAL DEVELOPMENT STRATEGY**

#### **Title of the spatial development strategy**

3. The title of the spatial development strategy shall include the words “spatial development strategy”.

#### **Content of the spatial development strategy**

4.—(1) The spatial development strategy shall contain a reasoned justification of the combined authority’s strategy for spatial development in the combined authority area.

(2) Those parts of the spatial development strategy which comprise the combined authority’s strategy for spatial development in the combined authority area and those parts which comprise the reasoned justification required by paragraph (1) shall be clearly identified in the spatial development strategy.

(3) Where there is a conflict between the written statement in the spatial development strategy formulating the combined authority’s strategy for spatial development in the combined authority area and any other part of the spatial development strategy, the provisions of that statement prevail.

#### **Diagrams in the spatial development strategy**

5.—(1) The spatial development strategy shall contain a diagram, called the key diagram, illustrating the combined authority’s strategy for spatial development in the combined authority area.

(2) The spatial development strategy may also contain a diagram, called an inset diagram, drawn to a larger scale than the key diagram, and illustrating the application of the combined authority's general policies to part of the area covered by the spatial development strategy.

(3) Where an inset diagram is included in the spatial development strategy, the area covered by the inset diagram shall be identified on the key diagram and the application of the general policies to that area shall be illustrated on that inset diagram only.

(4) No key diagram or inset diagram contained in the spatial development strategy shall be on a map base.

(5) The title of the spatial development strategy shall be set out on the key diagram and on any inset diagram contained in the spatial development strategy and the key diagram and any inset diagram shall include an explanation of any symbol or notation used in the diagram.

(6) The spatial development strategy may include diagrams in addition to the key diagram and the inset diagram, which identify strategic locations; such diagrams may be on a map base.

### **Regard to be had to certain matters and statement of regard**

**6.**—(1) In formulating the strategy for spatial development in the combined authority area the combined authority shall, in addition to the matters specified in section 342(1)(a) of the GLA Act (matters to which the Mayor is to have regard), have regard to—

- (a) the national waste management plan within the meaning of the Waste (England and Wales) Regulations 2011(b);
- (b) the objectives of preventing major accidents and limiting the consequences of such accidents for human health and the environment;
- (c) the need, in the long term—
  - (i) to maintain appropriate safety distances between establishments and residential areas, buildings and areas of public use, recreational areas and as far as possible, major transport routes;
  - (ii) to protect areas of particular natural sensitivity or interest in the vicinity of establishments, where appropriate through appropriate safety distances or other relevant measures.

(2) The reasoned justification required by regulation 4(1) shall contain a statement of the regard the combined authority has had in formulating the strategy for spatial development in the combined authority area to the matters specified in section 342(1) of the GLA Act and in paragraph (1).

## **PART 2**

### **PROCEDURE – SPATIAL DEVELOPMENT STRATEGY**

#### **Public participation**

**7.**—(1) The places at which the combined authority is required by section 335(2)(b) of the GLA Act (public participation) to make the proposed spatial development strategy available for inspection are—

- (a) at the principal office of the combined authority, and such other places within the combined authority area as the combined authority considers appropriate, during normal office hours, and

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(a) Section 342(1)(a) was substituted by the Planning and Compulsory Purchase Act 2004 section 118(2) and Schedule 7, paragraphs 22(1) and (3), and subsequently amended by the Local Democracy, Economic Development and Construction Act 2009, section 85(1) and Schedule 5, paragraphs 9 and 10. Section 342(1) is also modified by S.I 2016/1267, S.I 2017/430 and S.I 2017/126.

(b) S.I. 2011/988.

(b) on the combined authority's website.

(2) The proposed spatial development strategy shall be accompanied by an appraisal (referred to in these Regulations as a "sustainability appraisal") of how it contributes towards the achievement of sustainable development.

(3) The local planning authority for each constituent council<sup>(a)</sup> shall make available for inspection at its principal office and during such period as is specified in the advertisement published pursuant to paragraph (4) a copy of the proposed spatial development strategy and of the sustainability appraisal; and the combined authority shall give to each authority such notice and such documents as they require in order to comply with this paragraph.

(4) The combined authority shall, as soon as reasonably practicable after it makes copies of the proposed spatial development strategy and of the sustainability appraisal available for inspection pursuant to section 335(2)(b), give notice by advertisement in the form set out in Form 1 in the Schedule to these Regulations.

(5) The persons, in addition to those persons set out in section 335(3)(a) to (c) and (e) of the GLA Act<sup>(b)</sup>, to whom the combined authority is required to send a copy of the proposed spatial development strategy, are—

(a) Natural England,

(b) the Environment Agency, and

(c) the Historic Buildings and Monuments Commission for England ("Historic England").

(6) Subject to paragraph (7), the prescribed period for the purposes of section 335(7)(b) of the GLA Act is a period of not less than 12 weeks ending on such date as the combined authority shall specify in the notice published pursuant to paragraph (4).

(7) Where the combined authority makes available pursuant to section 335(2)(b) of the GLA Act proposed alterations to the spatial development strategy which in the combined authority's opinion constitute minor alterations, the prescribed period for the purposes of section 335(7)(b) of the GLA Act is a period of not less than six weeks ending on such date as the combined authority shall specify in the notice published pursuant to paragraph (4).

(8) The period in paragraphs (6) and (7) begins with the date on which a notice given pursuant to paragraph (4) is first published in a newspaper.

(9) A representation is made in accordance with these Regulations for the purposes of section 335(7)(a) of the GLA Act if it is made in writing and addressed to the combined authority at the address indicated in the notice published pursuant to paragraph (4).

(10) The combined authority shall, from the date referred to in paragraph (6) until the proposed spatial development strategy is published or withdrawn, make available for inspection at those places at which the proposed spatial development strategy was made available for inspection, a copy of all representations made in accordance with these Regulations.

(11) The combined authority shall not be required to have regard to any representations made in respect of the spatial development strategy after the date specified in the notice published pursuant to paragraph (4).

### **Examination in public**

**8.—**(1) The combined authority shall, as soon as reasonably practicable after the Secretary of State has appointed a person or persons (referred to in these Regulations as "the panel") pursuant to section 338(3) of the GLA Act to conduct the examination in public, send to the panel a copy of all representations made in accordance with these Regulations.

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<sup>(a)</sup> See section 350 of the GLA Act 1999 (as modified by S.I 2016/1267, S.I 2017/430 and S.I 2017/126 for meaning of "constituent council").

<sup>(b)</sup> Section 335(3) of the GLA Act was amended by the Localism Act 2011 (c. 20), s 228(2)(c) and also modified by S.I 2016/1267, S.I 2017/430 and S.I 2017/126.

(2) The panel shall, not later than 12 weeks before the opening of the examination in public, and after consulting the combined authority—

- (a) make available for inspection, at those places at which the proposed spatial development strategy was made available for inspection, a draft list of—
  - (i) the matters to be examined at the examination in public; and
  - (ii) the persons who will be invited to take part in the examination in public;
- (b) give notice by advertisement in the form set out in Form 2 in the Schedule to these Regulations; and
- (c) send to the Secretary of State a copy of the notice published pursuant to sub-paragraph (b).

(3) Representations on the draft list referred to in paragraph (2)(a) above may be made in writing to the person or body at the address indicated in the notice published pursuant to paragraph (2)(b) above, within 28 days of the date on which that notice is first published in a newspaper.

(4) The panel shall, not later than six weeks before the opening of the examination in public, and after consulting the combined authority—

- (a) notify those persons who are invited to take part of the matters to be examined;
- (b) make available for inspection, at those places at which the draft list referred to in paragraph (2)(a) above was made available for inspection, a list of—
  - (i) the matters to be examined at the examination in public, and
  - (ii) the persons who will be invited to take part in the examination in public; and
- (c) give notice by advertisement of—
  - (i) the places and times at which the lists mentioned in sub-paragraph (b) will be available for inspection,
  - (ii) the address where the examination in public is to be held,
  - (iii) the dates of the examination in public, and
  - (iv) the name or title of the officer to whom and the address to which written submissions on the matters to be examined at the examination in public should be sent.

(5) Written submissions may be made on the matters to be examined at the examination in public to the person or body at the address indicated in the notices published pursuant to paragraphs (2)(b) and (4)(c) above.

(6) The panel shall not be required to consider a written submission from any person unless—

- (a) the written submission concerns one or more matters to be examined at the examination in public;
- (b) the written submission is shorter than 2000 words in length; and
- (c) the panel has received no later than 3 weeks before the opening of the examination in public such number of copies of the submission as the panel may reasonably require in order to send a copy of that submission to each person invited to take part in the examination in public.

(7) The report of the panel shall be in writing.

(8) At the same time as the panel sends a copy of that report to the combined authority it shall send a copy to the Secretary of State.

(9) The combined authority shall, before the expiry of a period of 8 weeks beginning with the day it receives that report—

- (a) make the report available for inspection at those places at which the proposed spatial development strategy was made available for inspection, and
- (b) send a copy of the report to each constituent council.

## **Publication**

**9.**—(1) The prescribed period for the purposes of section 337(4)(b) of the GLA Act (publication) is the relevant period determined in accordance with paragraphs (6) to (8) of regulation 7.

(2) The combined authority shall not publish the spatial development strategy unless:

- (a) The combined authority has sent to the Secretary of State—
  - (i) a statement of its intention to publish the spatial development strategy,
  - (ii) a copy of the spatial development strategy which it intends to publish, and
  - (iii) where the combined authority proposes not to accept any recommendation contained in the report of the panel, a statement of its reasons for not accepting that recommendation; and
- (b) a period of six weeks or such longer period as the Secretary of State in writing requires, have elapsed beginning with the date notified to the combined authority in writing by the Secretary of State as the date he received the latest of those statements and that copy.

(3) When the combined authority publishes the spatial development strategy it shall:

- (a) give notice by advertisement in the form set out in Form 3 in the Schedule to these Regulations;
- (b) serve notice in similar form on the persons specified in section 335(3)(c) and (d) of the GLA Act;
- (c) make available for inspection at those places at which the proposed spatial development strategy was made available for public inspection—
  - (i) a copy of the spatial development strategy,
  - (ii) a copy of any direction given by the Secretary of State under section 337(7) of the GLA Act,
  - (iii) a copy of any written statement of the Secretary of State indicating for the purposes of section 337(8)(a) of the GLA Act that the combined authority has satisfied the Secretary of State that the combined authority has made the modifications to the proposed spatial development strategy necessary to conform with any such direction; and
  - (iv) where the combined authority has not accepted any recommendation contained in the report of the panel, a statement of its reason for not accepting that recommendation; and
- (d) send to the Secretary of State and to each constituent council a copy of the spatial development strategy, the notice published pursuant to sub-paragraph (a), and any statement of the reasons prepared pursuant to sub-paragraph (c)(iv).

## **Withdrawal of proposals**

**10.** On the withdrawal of the spatial development strategy pursuant to section 336(1) of the GLA Act the combined authority shall give notice by advertisement in the form set out in Form 4 in the Schedule to these Regulations.

## **PART 3**

### **AVAILABILITY OF DOCUMENTS**

#### **Duty to make documents available**

**11.**—(1) The combined authority shall make available for public inspection at its principal office any direction given by the Secretary of State under—

- (a) section 340(2) (reviews of the strategy), or
- (b) section 341(2) (alteration or replacement),

of the GLA Act.

(2) Subject to paragraph (3), where a person or body makes a document available for inspection under these Regulations that person or body shall make that document available at the time and place specified in any relevant notice published by that person or body under these Regulations until the expiry of a period of six weeks beginning with the date of publication of a notice that the proposed spatial development strategy has been published or withdrawn.

(3) A person or body making a document available for inspection under these Regulations shall, on request and on payment of any reasonable charge required by that person or body, provide, as soon as reasonably practicable, a copy of that document.

(4) A copy of the spatial development strategy made available for inspection under regulation 9(3)(c) shall remain so available until printed copies of the strategy are made available for inspection under regulation 12.

### **Availability of spatial development strategy after publication**

**12.—**(1) As soon as reasonably practicable after the combined authority has published the spatial development strategy under section 337(1) of the GLA Act the combined authority shall secure that printed copies of the spatial development strategy are made available for inspection during normal office hours at its principal office and, on payment of any reasonable fee required by the combined authority, for purchase.

(2) The combined authority shall continue to make printed copies of the spatial development strategy available for public inspection and purchase under paragraph (1) until the spatial development strategy is altered or replaced.

Signed by authority of the Secretary of State for Housing, Communities and Local Government

10th July 2018

*Jake Berry*  
Parliamentary Under Secretary of State  
Ministry of Housing, Communities and Local Government

## **SCHEDULE**

### **Prescribed Forms**

Form 1: Notice of Deposit of a Proposed Spatial Development Strategy

**Regulation 7(4)**

Town and Country Planning Act 1990

Greater London Authority Act 1999, as applied to [insert name of combined authority and its area]  
by [specify Order]

**Notice of Deposit of [a Proposed] [Replacement of the] [Proposed Alterations to the]\* Spatial Development Strategy for the combined authority area for [insert area]**

(Title of the spatial development strategy)

The Mayor of the combined authority of [insert area] has prepared proposals for [the [alteration] replacement] of]\* the spatial development strategy for the combined authority area. These proposals have been unanimously approved by the members of the combined authority. If these proposals are published they will set a strategic framework for planning in the combined authority

area.

Copies of the proposals are available for public inspection at (1) free of charge on (2).

Representations on these proposals should be sent in writing to (3) before (4). The Mayor is not required to consider any representations received after that date.

Further information is available from (5).

Notes:

\* Delete any text which is inapplicable.

Insert:

- (1) the address of the places at which the documents are available for inspection;
- (2) the days on which, and the hours between which, the documents are available for inspection;
- (3) the name or title of the officer to whom representations should be sent and the address to which they are to be sent;
- (4) the date (at least twelve weeks from the date on which the notice is first published in a newspaper, or six weeks in the case of minor alterations) by which representations should be received;
- (5) any places where further information can be obtained.

Form 2: Notice of Draft List of Matters to be Considered and Persons Invited to Take Part in an Examination in Public into a Proposed Spatial Development Strategy

## **Regulation 8(2)**

Town and Country Planning Act 1990

Greater London Authority Act 1999, as applied to [insert name of combined authority and its area] by [specify Order]

**Notice of Draft List of Matters to be Considered and Persons Invited to Take Part in an Examination in Public into [a Proposed] [Replacement of the] [Proposed Alterations to the]\* Spatial Development Strategy for the combined authority area for [insert area]**

(Title of the spatial development strategy)

An examination in public is to be held at (1) from (2) to (3) into proposals for [the [alteration][replacement] of\*] the spatial development strategy for the combined authority area prepared by the Mayor of the combined authority of [insert area]. If these proposals are published they will set a strategic framework for planning in the combined authority area.

The examination in public is to be conducted by (4).

A copy of the proposals and of all representations made to the Mayor about those proposals are available for public inspection at (5) free of charge on (6).

A draft list both of the matters to be examined at the examination in public and of the persons who will be invited to take part is also available for inspection at those places and times.



Any representations on the draft list should be sent in writing to (7) before (8).

Any written submissions on the matters to be examined at the examination in public should be sent to (9) before (10).

Further information is available from (11).

Notes:

\* Delete any text which is inapplicable.

Insert:

- (1) the address where the examination in public is to be held;
- (2), (3) the dates of the examination in public;
- (4) the person or persons appointed by the Secretary of State to conduct the examination in public;
- (5) the places at which the documents are available for inspection;
- (6) the days on which, and the hours between which, the documents are available for inspection;
- (7) the name or title of the officer to whom representations should be sent and the address to which they are to be sent;
- (8) the date (28 days from the date on which the notice is first published in a newspaper) by which representations should be received;
- (9) the name or title of the officer to whom written submissions should be sent and the address to which they are to be sent;
- (10) the date (no later than three weeks before the opening of the examination in public) by which written submissions should be received;
- (11) any places where further information can be obtained.

Form 3: Notice of Publication of the Spatial Development Strategy

### **Regulation 9(3)**

Town and Country Planning Act 1990

Greater London Authority Act 1999, as applied to [insert name of combined authority and its area] by [specify Order]

**Notice of Publication of [alterations to] [the replacement of]\* the Spatial Development Strategy for the combined authority area for [insert area]**

(Title of the spatial development strategy)

On (1) the Mayor of the combined authority of [insert area] published [alterations to] [the replacement of]\* the spatial development strategy for the combined authority area, which became operative on that date. The spatial development strategy sets a strategic framework for planning in

the combined authority area.

A copy of the spatial development strategy is available for public inspection at (2) free of charge on (3).

Notes:

\* Delete any text which is inapplicable.

Insert:

- (1) the date of publication;
- (2) the place at which the spatial development strategy is available for inspection;
- (3) the days on which, and the hours between which, the spatial development strategy is available for inspection.

Form 4: Notice of Withdrawal of the Spatial Development Strategy

## **Regulation 10**

Town and Country Planning Act 1990

Greater London Authority Act 1999, as applied to [insert name of combined authority and its area] by [specify Order]

**Notice of Withdrawal of [alterations to] [the replacement of]\* the Spatial Development Strategy for the combined authority area for [insert area]**

(Title of the spatial development strategy)

On (1) the Mayor of the combined authority of [insert area] issued proposals for [alterations to][the replacement of]\* the spatial development strategy for the combined authority area.

On (2) the Mayor of the combined authority withdrew those proposals because (3).

Notes:

\* Delete any text which is inapplicable.

Insert:

- (1) the date of publication;
- (2) the date of withdrawal;
- (3) the reasons why the Mayor withdrew the proposals.

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations set out some of the detail regarding the production of a spatial development strategy by a combined authority, under Part 8 of the Greater London Authority Act 1999 (c.29) (planning).

Regulations 1 and 2 provide for preliminary matters, including citation, commencement and application (regulation 1) and interpretation (regulation 2).

Part 1 of the Regulations provides for the form and content of the spatial development strategy. Requirements are specified for the title of the strategy (regulation 3), the content of the strategy (regulation 4) and diagrams in the strategy (regulation 5). Regulation 6 sets out certain matters to which the combined authority is required to have regard in formulating the strategy.

Part 2 of the Regulations sets out the procedures to be followed with regard to the spatial development strategy. Procedures are specified for public participation (regulation 7), examination in public (regulation 8), publication (regulation 9) and withdrawal of proposals (regulation 10).

Part 3 of the Regulations provides for the availability of certain documents. Regulation 11 deals with the availability of certain documents prior to the publication or withdrawal of the proposed spatial development strategy and regulation 12 deals with the availability of the strategy after its publication.

An impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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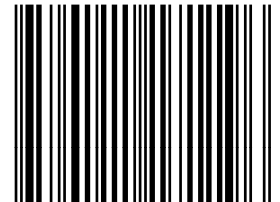
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