

EXPLANATORY MEMORANDUM TO
THE COMBINED AUTHORITIES (SPATIAL DEVELOPMENT STRATEGY)
(AMENDMENT) REGULATIONS 2018

2018 No. 924

1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Ministry of Housing, Communities and Local Government and is laid before Parliament by Command of Her Majesty.
- 1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Purpose of the instrument

- 2.1 This instrument amends the Combined Authorities (Spatial Development Strategy) Regulations 2018 (SI 2018/827) (“the principal Regulations”) to correct an error.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 As this instrument corrects an error it is being issued free of charge to all known recipients of the principal Regulations.

Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)

- 3.2 As the instrument is subject to negative resolution procedure there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business at this stage.

4. Extent and Territorial Application

- 4.1 The territorial extent of this instrument is England and Wales.
- 4.2 The territorial application of this instrument is England.

5. European Convention on Human Rights

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

6. Legislative Context

- 6.1 The principal Regulations were made on 10th July and will come into force on 9th August 2018. The principal Regulations set out the detail in relation to the production of a spatial development strategy by the Mayor of the Greater Manchester Combined Authority, the Mayor of the Liverpool City Region Combined Authority and the Mayor of the West of England Combined Authority for their area. These three mayoral combined authorities have been given, by Order, the power to exercise in their area the functions relating to spatial development strategies that were given to the Mayor of London by the Greater London Authority Act 1999, reflecting the

devolution agreements made with each combined authority area on the powers which should be devolved. The principal Regulations largely mirror the Town and Country Planning (London Spatial Development Strategy) Regulations 2000 (SI 2000/1491).

7. Policy background

What is being done and why?

- 7.1 These Regulations amend the principal Regulations to clarify what forms of diagrams can be included in spatial development strategies produced by the Mayors of the Greater Manchester, Liverpool City Region and West of England Combined Authorities exercising their strategic planning powers. Specifically, regulation 5(6) is amended to correct an error, whereby the word “locations” had been inadvertently included instead of “allocations”.
- 7.2 These Regulations remove any ambiguity that Mayors may include diagrams that use a map base to identify strategic allocations within their spatial development strategies. This is permitted because, in the areas where the Regulations apply, the spatial development strategy requires the unanimous agreement of the members of the combined authority concerned. This is in line with the policies set out in the February 2017 Housing White Paper “Fixing Our Broken Housing Market”.¹ This states that in order to make plans easier to produce, the Government plans to enable spatial development strategies, produced by new combined authorities or elected Mayors, to allocate strategic sites. This is only applicable where these strategies require unanimous agreement of members of the combined authority concerned, which is the case in each of these combined authorities.

8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union

- 8.1 This instrument does not relate to withdrawal from the European Union.

9. Consolidation

- 9.1 As these Regulations simply correct an error in the principal Regulations, there are no plans for a consolidation exercise at present.

10. Consultation outcome

- 10.1 There is no requirement for consultation when making these Regulations.
- 10.2 There was no requirement for consultation when making the principal Regulations although the combined authorities supported the provisions including the changes from the regulations for the London Spatial Development Strategy. However, as described in the Explanatory Memorandum accompanying the principal Regulations, consultations were undertaken by the combined authorities before the spatial development strategy functions were conferred, and referred to in the Explanatory Memorandums accompanying the Orders that conferred these powers.
- 10.3 As also described in the Explanatory Memorandum accompanying the principal Regulations, there was a Government consultation in relation to combined authorities being able to make strategic allocations in spatial development strategies. The consultation asked if respondents agreed with proposals to use regulations to allow

¹ <https://www.gov.uk/government/publications/fixing-our-broken-housing-market>

spatial development strategies to allocate strategic sites, where these strategies require unanimous agreement of the members of the combined authority. There were 768 responses to this question, and considerable support (64 per cent) for the proposal. Most respondents agreed that spatial development strategies should be allowed to allocate sites only if the spatial development strategy was subject to unanimous agreement from the combined authority, although some developers were concerned this could cause delay. A number of local authorities, voluntary bodies and individuals pointed to the need to ensure public involvement, accountability and/or scrutiny in spatial development strategy preparation, and to maintain safeguards such as sustainability appraisal or strategic environmental assessment. Some respondents wanted clarity on the term 'strategic site'. The Government is currently updating National Planning Practice Guidance (NPPG) which will include new guidance on spatial development strategies, which will address the key questions and clarifications raised in the consultations.

11. Guidance

- 11.1 No guidance is necessary to accompany these Regulations. The Government continues to work with the mayoral combined authorities to support their implementation of the devolution deals.

12. Impact

- 12.1 There is no impact on business, charities or voluntary bodies.
- 12.2 The impact on the public sector is that it provides more clarity for mayoral combined authorities when preparing spatial development strategies.
- 12.3 An Impact Assessment has not been prepared for this instrument because it has a low level of impact on the public, business and voluntary sectors.

13. Regulating small business

- 13.1 The legislation does not apply to activities that are undertaken by small businesses.

14. Monitoring & review

- 14.1 The approach to monitoring of this legislation is that the combined authorities are required under the devolution agreements reached with Government to put in place an extensive programme of evaluation, agreed with HM Treasury, of the devolution agreements.
- 14.2 The Regulations do not include a statutory review clause.

15. Contact

- 15.1 Nick Humfrey at the Ministry of Housing, Communities and Local Government. Telephone: 030 3444 4826 or email: nick.humfrey@communities.gsi.gov.uk can be contacted with any queries regarding the instrument.
- 15.2 Paul Rowsell at the Ministry of Housing, Communities and Local Government can confirm that this Explanatory Memorandum meets the required standard.
- 15.3 Jake Berry MP at the Ministry of Housing, Communities and Local Government can confirm that this Explanatory Memorandum meets the required standard.