

**WEST MIDLANDS REGIONAL ASSEMBLY**

**Regional Planning and Environment Executive  
14 October 2009**

**Consultation on Regional Strategy Guidance - FOR INFORMATION**

**1. Purpose of Report**

- 1.1 To advise Members about the Government consultation on the preparation of Regional Strategies and the proposed regional response arrangements, including the latest draft of a technical officer response (see Appendix 1).

**2. Recommendation**

- 2.1 It is recommended that Members note this report.

**3. Summary**

- 3.1 The Government's Sub National Review is being progressed via the Local Democracy, Economic Development and Construction Bill. This has been considered by both Houses of Parliament and is expected to be on the statute book by October 2009.
- 3.2 One key element of the Bill is the introduction in April 2010 of the single integrated regional strategy approach – now called the Regional Strategy (RS). This will bring together regional spatial, economic, housing and transport strategies with, it is suggested, other relevant regional strategies covering the environment, biodiversity, health, sports, tourism, culture etc.
- 3.3 In August 2009 the Government issued for consultation a draft Policy Statement which, inter alia, gave guidance on the preparation of RSs. It is considered appropriate that the West Midlands Region responds to Government in two ways: -
- i. a single high level response on behalf of all regional partners in the West Midlands. This will be considered by the West Midlands Leaders Board and AWM Board with final ratification by the Joint Strategy and Investment Board (JS&IB) as the JSIB will become the body responsible for the preparation of the new RS.

- ii. a technical response to Government co-ordinated on behalf of the region by the WMRA.
- 3.4 At the RPEE meeting on 22<sup>nd</sup> September, Members received a draft of the technical officer response. A copy of the updated latest version of this technical response is attached to this report as **Appendix 1**.
- 3.5 The technical response was considered and endorsed by the RSS Coordination Group at their meeting on 7<sup>th</sup> October 2009. Subject to any further amendments agreed by the Chair and Vice-Chair of the RSS Coordination Group, the response will be submitted as a technical officer response to the Department of Communities and Local Government by the close of the consultation period on 30<sup>th</sup> October 2009.

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### **Policy Statement on Regional Strategies – Consultation draft** **Detailed response by West Midlands Regional Partners – SIXTH draft (2/10/2009)**

#### **Overarching issues [Q1.1]**

The main principles and purpose of the Regional Strategy for an integrated strategic framework for sustainable development as set out in paras 2.1, 3.1 and 3.2 are welcomed and strongly supported. This includes the close link in the guidance to the UK Sustainable Development Strategy and Planning Policy Statement 1 which provide an overarching policy framework for sustainable development at national level.

The Government's intention to give regions greater control and enhanced responsibilities in regional strategy making and implementation is strongly supported. This would enable regional partners, including local authorities, to work together to devise and implement strategies and actions that genuinely meet regional and local needs. This new initiative must not be stifled by unnecessary standardisation of approach for each region nor bogged down by any excessive bureaucratic process.

The intention in the draft statement to give maximum flexibility to Responsible Regional Authorities (RRAs) in preparing, implementing and monitoring a Regional Strategy is also welcomed and strongly supported. This flexibility and regional discretion will be critical in order to tailor the Regional Strategy and its preparation process to regional circumstances and to enable regions to realise their full potential.

The Government's intention to publish 'priority policy outcomes' for economic, housing and climate change issues is noted. In order to enable regions to prepare truly integrated strategies, the national priority policy outcomes will need to reflect the full statutory purpose of sustainable development and will need to be joined up and consistent at national level. Ideally, this would take the form of a national integrated strategy for England which should cover all relevant topics (i.e. not just economic, housing and climate change issues but also transport and environment). It will also be important to align the priority policy outcomes to the national core sustainability framework referred to in para 5.30. In any case, in the spirit of flexibility, it will be important that this national framework is strategic in nature and does not unnecessarily constrain regions in their efforts to address those issues that are most pressing and relevant in their specific regional context.

Whilst many of the principles and the overall approach in the draft Policy Statement are generally welcomed and supported, the new arrangements will place very significant requirements on RRAs, a number of which are over and above those that regions are required under the existing arrangements. The draft Policy Statement places a large number of requirements on RRAs, some of which apply to particular stages of the process, whilst other requirements will need to be fulfilled on an ongoing basis throughout the Regional Strategy process and its subsequent delivery (see detailed comments below).

This will have very significant resource implications and RRAs will only be able to operate the new system if the requirements set out in the guidance are matched by adequate

resources. It is notable that the draft Policy Statement was not accompanied by an assessment of costs (unlike, for example, draft PPS1 which included an attempt at assessing the costs for Regional Planning Bodies and Local Planning Authorities). In finalising the Policy Statement, Government should undertake such an assessment which should inform the guidance and the Government grants to RRAs. Based on the Central-Local Concordat signed by DCLG and the LGA in December 2007, there must be a clear commitment from the Government that any new obligations on councils, including RRAs, are properly funded.

The Government's intention to streamline the regional strategy landscape is welcomed. It is noted that the introductory section of the consultation document states that other non-statutory regional strategies covering housing, culture and sport and biodiversity 'will form part of' the Regional Strategy. This should be spelled out in the Policy Statement itself, not least in the light of the 'Regional Housing functions' letter sent out to all Regional Housing Board Chairs on 10<sup>th</sup> August 2009.

In addition, it is important that Government further clarifies the relationship between the Regional Strategy and other regional programmes and investment activities (e.g. the programmes and regional investment plans of the Homes and Communities Agency, Environment Agency and Strategic Health Authority, the RFA process, DASTS). Whilst it will be important that the Regional Strategy is informed by those other programmes and activities, the Policy Statement should make it clear that the Regional Strategy will provide the integrated, overarching strategic framework for the region. There should be an expressed requirement in the policy statement that other programmes and investment activities need to be consistent with the Regional Strategy.

Similarly, the policy statement should also include a requirement that all Government Departments and agencies will need to take account of the Regional Strategy in their policy making and delivery activities. The approved RS will need to have sufficient 'traction' in order to achieve the ambition in the Bill to integrate policy making and align implementation across policy areas and between national, regional and local levels.

Whilst the preparation, monitoring and implementation of the RS will clearly depend on a wide range of organisations and partners, the policy statement should recognise the crucial role of local authorities in the process. It is noted that the Local Democracy, Economic Development and Construction Bill does not make provision for formal input from local authorities akin to the provision in Section 4(4) of the Planning and Compulsory Purchase Act 2004. In the absence of such provision in the Bill, the policy statement should recognise and highlight the crucial role of local authorities. This should also be recognised in the Regulations (see below).

### **Scope of the Regional Strategy [Q1.2]**

The proposed scope of the Regional Strategy as set out in paras 3.3 to 3.5 is generally welcomed and supported. The suggested approach provides sufficient guidance to ensure consistency but it also gives regions the necessary flexibility to tailor Regional Strategies to their specific circumstances.

The guidance could provide more clarity as to what constitutes a vision and that it relates to the region as a whole. Para 3.4 sub-para 1 could be amended as follows<sup>1</sup>:

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<sup>1</sup> New/additional suggested text is underlined.

‘Set out a clear vision for the region over a 15-20 year frame, taking account of implications beyond this time frame. Within the vision, the key principles underpinning the strategy should be identified along with a clear set of associated objectives.’

It is agreed that the Regional Strategy should, where appropriate, include policies that relate to different parts of the region (para 3.4). However, the guidance should clarify that this should only be the case where such level of detail is appropriate and necessary. As recognised in existing PPS11, this is to ensure that the production of the Regional Strategy is not dominated and delayed by overly specific locational detail and to avoid unnecessary blight.

The term ‘locationally specific’ in para 3.4 needs clarification. This could follow the approach in existing PPS11 (paras 1.16 and 1.17). In general, the Regional Strategy should, where necessary, only set out locational criteria to guide planning and development at lower levels. ‘Broad locations’ should be identified in the Regional Strategy only where LDDs need this strategic steer. Such ‘broad locations’ should be consistent with locational criteria set out in the Regional Strategy.

It is therefore suggested to reword the last sentence in para 3.4 sub-para 3 as follows:

‘Where appropriate and necessary, these policies should be specific to different parts of the region. The Regional Strategy should not identify specific sites as suitable for development but it should identify priority areas for development, regeneration and investment, such as town centres, and establish locational criteria appropriate to regionally and sub-regionally significant development. The Regional Strategy should only identify ‘broad locations’<sup>2</sup> for regionally or sub-regionally significant development where LDDs need this strategic steer.’

The guidance should clarify to what extent ‘broad locations’ in the Regional Strategy should cover nationally significant infrastructure projects identified in the proposed National Policy Statements (see also below).

In addition, para 3.4 sub-para 3 (b) should include reference to the provision and management of infrastructure and resources, including transport.

In the light of the ‘Regional Housing functions’ letter sent out to all Regional Housing Board Chairs on 10<sup>th</sup> August 2009, there is a need to ensure that the policy statement and the intended national priority policy outcomes enables all the requirements and recommendations set out in the letter to be met by Regional Housing Board successor bodies and the wider regional governance framework.

It is noted that the draft policy statement does include very little reference to transport, given that the RS will replace the Regional Transport Strategy. Whilst it is understood that this is to be covered by the term ‘infrastructure’, some further reference to transport could be inserted (e.g. in paras 4.8 sub-para 2 or para 4.9 sub-para 1), given the important role of transport in achieving sustainable development, supporting regeneration and tackling CO<sub>2</sub> emissions.

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<sup>2</sup> The term ‘broad locations’ refers to the area of search suitable for a development or proposal in question, consistent with criteria set out in the RS, within which a number of suitable sites may exist. Such locations may include town centres.

It is strongly suggested that the expected delivery outcomes and indicators (para 3.4 sub-para 5) should not be included in the Regional Strategy itself but should rather be incorporated into the separate Implementation Plan/Monitoring Framework. This would enable regions to react more quickly to changing circumstances. It would also mean that the revision of the outcomes and indicators would not depend on (and be delayed by) a review of the Regional Strategy but could be carried out as part of the proposed annual monitoring and Implementation Plan revision process.

In respect of para 3.5 sub-para 5, the region would expect that the Regional Strategy should not impose 'unnecessary and disproportionate burdens' on anyone, not just local authorities and business. Therefore this sub-para should be generalised or could well be deleted as this clause is superfluous.

### **Sub-regional approach in the Regional Strategy [Q1.3]**

The approach to sub-regions in paras 3.6 and 3.7 is generally supported as long as it is ensured that RRAs have sufficient flexibility. Fixed, standardised sub-regions are not always appropriate for all purposes in all regions and the shape and function of sub-regions also depends strongly on regional circumstances. The guidance should clarify that sub-regions should only be identified in the Regional Strategy where it is necessary or desirable to make different provision in relation to different parts of the region. This would be in line with the well established approach in existing PPS11.

The first sentence of para 3.6 should therefore be amended as follows:

'Responsible regional authorities should, where appropriate and in consultation with stakeholders, identify any sub-regions to be included...'

In identifying sub-regions in the RS, connections will need to be made with the Local Economic Assessments and this should be reflected in para 3.6 sub-para 2. In addition, para 3.6 sub-para 3 should include reference to flood risk.

The recognition of the need for cross-boundary working is welcomed, including liaison with Devolved Administrations. For example, West Midlands partners and the Welsh Assembly Government signed a Memorandum of Understanding on cross-border working which has been operating successfully for some time.

As currently drafted, however, para 3.7 suggests that regions are expected to 'identify' jointly shared priorities. To avoid misinterpretation and unnecessary delay of the production of a Regional Strategy, it should be clarified that authorities should work together and consider shared priorities. The last part of para 3.7 should therefore be reworded as follows: '..., and jointly consider shared priorities within their respective Regional Strategies.'

### **Link to national and local priorities**

The principle that policies in the Regional Strategy should be regionally-specific (para 4.3) is welcomed and strongly supported. Both RRAs and the Secretary of State will need to ensure that policies in the Regional Strategy are tailored to the specific circumstances in the region. However, as currently drafted, the relevant sections in the policy statement (paras 4.1-4.6) focus overly on national policy requirements as opposed to regional and local requirements. There should be a clear statement at the beginning of this section in the guidance emphasising that the overriding principle is the need to develop policies and proposals that are tailored to the circumstances, needs and priorities in the region.

The need to have regard to national policies and guidance and to ensure general consistency is clearly recognised and supported. However, the success of making such linkages at regional level will require that an integrated and consistent policy framework is in place at national level. In order to, Government should provide greater clarity and transparency on how national policy and funding is spatially distributed. Ideally, that should take the form of a national integrated strategy. The guidance should also clarify how the Regional Strategy is expected to relate to the new regime for dealing with nationally significant infrastructure projects and the new National Policy Statements.

The proposal that RRAs will receive advice on Government likely funding available to regions is strongly welcomed (paras 4.1 and 5.13 sub-para 4). However, the delivery of the RS will also be dependent on investment decisions made by others such as financial institutions, regulators and business. This should be recognised as the value of the non-Governmental funding is likely to vary across the country.

Advice from Government on funding availability is a fundamental precondition for preparing a Regional Strategy that is deliverable and has due regard to the funding likely to be available to facilitate its implementation. However, the guidance should express a stronger commitment from Government that this advice will i) be provided throughout the Regional Strategy process and at the earliest opportunity; and ii) will be comprehensive in nature and cover all funding streams coming into the region. This is essential to enable regions to fulfil the requirement in para 5.39 that the Regional Strategy needs to be deliverable (see also comment in relation to para 5.13 below).

To this end, para 4.1 should be amended to read as follows:

‘Responsible regional authorities, when preparing their Regional Strategies, must have regard to national policies and guidance issued by the Secretary of State. Government will issue advice to responsible regional authorities on its likely regional funding availability across the topics covered by the Regional Strategy throughout the process.’

There is concern that, as currently drafted, the provision in para 4.2 of the guidance regarding the consistency with national policy could be seen as a step backwards from existing PPS11. In line with the principle of subsidiarity, the Policy Statement should enable regions to depart from or provide a regional interpretation of national policy where the case has been adequately made for this (akin to the approach in PPS11). The wording in para 4.2 should therefore be amended as follows:

‘Regional Strategies should be consistent with national policy but they may include policies that depart from or provide a regional interpretation of national policy where the case has been adequately made for this. This will be subject to such policies being accepted by the Secretary of State in approving the Strategy.’

Para 4.4 of the guidance should highlight the key point of the need for regionally-specific strategies by stating that policies in the RS should address the particular circumstances, challenges and opportunities that exist in the region (see below). The policy statement should also recognise the need for a ‘bottom-up’ element in the development of policy which takes account of Local Economic Assessment, Local Area Agreements and other key local frameworks and plans.

As currently drafted, the term ‘translate’ in para 4.4 sub-para 1 could be interpreted as a simple ‘top-down’ approach. The emphasis of the new Regional Strategy will have to be on policies that are genuinely regionally specific and tailored to regional circumstances. For clarity, the term ‘translate’ should therefore be replaced with ‘apply’ (see below). This would also ensure consistency in the guidance document as this more appropriate term is already used in paras 4.5 and 4.6.

Para 4.4 sub-para 3 covers two separate purposes of the Regional Strategy, namely i) supporting national programmes; and ii) steering the activities, plans and investment decisions of public sector agencies or strategic projects. As these are two important but separate issues, this should be spelled out separately (see below).

The references to ‘locationally-specific initiatives’ and ‘preferred locations for nationally significant infrastructure’ identified in national policy statements (para 4.4 sub-para 3 and para 4.5) need clarification. The guidance should clarify whether Regional Strategies are expected to include policies on preferred locations for nationally significant infrastructure identified in national policy statements and, if so, in what circumstances.

In summary, it is suggested that para 4.4 is amended to read as follows:

‘In preparing regionally-specific policies, responsible regional authorities should ensure that policies:

1. Address the particular circumstances, challenges and opportunities that exist in the region.
2. Apply national policy to specific regional or sub-regional challenges.
3. Are needed because they provide a regional or sub-regional framework to assist in local delivery.
4. Are needed because they support national programmes and provide a regional steer to locationally-specific initiatives such as identified growth areas.
5. Are needed because they steer the activities, plans and investment decisions of public sector agencies or strategic projects.’

There is strong support for the approach in para 4.5 that, simply because there is a national policy on a specific subject or topic, does not mean that the Regional Strategy necessarily needs to include a policy on the subject. This will help to ensure that strategies are succinct and will allow regions to address key issues of particular relevance to the region.

### **Links to other programmes and investment activities in the Region**

Government should clarify the relationship between the Regional Strategy and other regional programmes and investment activities (e.g. the programmes and regional investment plans of the Homes and Communities Agency, Environment Agency and Strategic Health Authority, the RFA process, DASTS). Whilst it will be important that the Regional Strategy is informed by those other programmes and activities, the guidance should make it clear that the Regional Strategy will provide the integrated, overarching strategic framework for the region.

There should be an expressed requirement in the policy statement that other programmes and investment activities at regional, sub-regional and local need to be consistent with the Regional Strategy.

#### **Content of the Regional Strategy [Q1.4]**

The statement in para 4.7 that the Regional Strategy should focus on the key priorities for the region is strongly supported. In order to reflect fully the pillars of sustainable development and climate change enshrined in the Bill, para 4.8 should be amended as follows:

‘In deciding on the priorities, responsible regional authorities should take account of:

1. Challenges and opportunities for the future sustainable development of the region, including those relating to climate change and economic growth and renewal.
2. Infrastructure, socio-demographic, regeneration, place making and environmental challenges and opportunities.
3. Specific requirements for regional policy set out in legislation or government policy.
4. The evidence base supporting the Strategy, including the results of Annual Monitoring Reports and progress on implementation.’

The general thrust and the range of the issues identified in para 4.9 are welcomed and supported. This reflects the purpose of the Regional Strategy set out in the Bill to contribute to sustainable economic growth and sustainable development. To further improve the guidance, sub-para 4 should also refer to climate change adaptation and mitigation, whilst sub-para 7 should refer to natural, historic and built environment. Further clarification would be helpful on how the Regional Strategy is expected to relate to existing national planning policy (PPSs/PPGs, MPGs etc.) and to the new National Policy Statements on infrastructure (see above).

#### **Priorities in the Regional Strategy [Q1.5]**

The statement in para 4.7 that the Regional Strategy should focus on the key regional priorities is strongly supported. The comments above in relation to the scope of para 4.8 and the suggested amendments refer.

The Government’s intention to publish further details on priority policy outcomes which it wants to see delivered through Regional Strategies is noted. In considering and setting any priority policy outcomes at national level, it will be essential that these:

1. reflect the full statutory purpose of sustainable development, i.e. economic, environmental and social issues, as well as climate change (and do not focus only on one of these dimensions).
2. are joined up and consistent at national level (e.g. economic growth and climate change objectives).
3. are strategic/high level and sufficiently flexible to enable regions to tailor the strategies to the particular circumstances, challenges, opportunities in their areas.

Government should also clarify how these priority policy outcomes are intended to relate to existing national targets, including PSA targets.

#### **Process of preparing and reviewing the Regional Strategy [Q1.10]**

The Government’s intention to give maximum flexibility to RRAs regarding the process for preparing the Regional Strategy, including stakeholder engagement, is welcomed and strongly supported. Such flexibility and regional discretion will be a critical in order to tailor the Regional Strategy and its preparation process to regional circumstances and to enable regions to realise their full potential.

It is agreed that a Regional Strategy should be reviewed periodically. However, it will be vital to achieve the right balance between i) periodic review to keep the strategy up to date, and ii) the need to ensure that the Regional Strategy is sufficiently robust to provide longer term guidance. The provision in para 5.4 that it should principally be for the RRAs to consider when a review is required is therefore strongly supported as RRAs will be in the best position to make this judgement, in consultation with regional partners including the Government Office.

However, as currently drafted, para 5.5 misses out a small number of key issues which should inform the decision about the need for a Regional Strategy review. Para 5.5 should therefore be amended as follows:

‘Decisions about whether to review the Regional Strategy should be informed by:

1. The evidence from the monitoring process where this indicates that policies in the existing Strategy are not being implemented as intended or do not have the desired effect.
2. Significant changes in external circumstances or in the economic, environmental or social conditions in the region.
3. Significant changes in national policy.
4. Stakeholder engagement.’

There is a need to clarify the terminology used for the different stages of the process, especially, as currently drafted, there is some confusion in the guidance as to what is referred to as a ‘draft revision’ (the term is currently used for both the document that is subject to EIP and the document that the RRAs submit to the Secretary of State after the EIP). Throughout the guidance the following terminology should be used on a consistent basis:

- ‘**Options**’, i.e. the document referred to in para 5.22.
- ‘**Preferred Option**’, i.e. the document that will be submitted to the Panel and be subject to EIP – the draft guidance refers to this as ‘draft revision’ e.g. in para 5.31.
- ‘**Draft Revision**’, i.e. the refined Preferred Option which includes any changes made by the RRAs following the EIP which is formally submitted to the Secretary of State for approval – see para 5.41.
- ‘**Proposed Changes**’, i.e. any changes the Secretary of State makes on the submitted ‘Draft Revision’ which will then be subject to further public consultation – see para 5.43.
- ‘**Approved Strategy**’, i.e. the approved Regional Strategy – see para 5.47.

### **Project planning [Q1.6]**

The approach to project planning is generally welcomed and supported. It is important that there is sufficient flexibility and that it should be for RRAs to decide on the scope and content of the project plan (para 5.8). This will enable RRAs to tailor the project plan to the specific regional circumstances and the scope of the revision.

The requirement that, once agreed, the project plan, including the timetable for the Regional Strategy revision, will apply to both the RRAs and the Secretary of State (para 5.10) are welcomed and strongly supported. This requirement needs to be reflected in the Regulations (para 4 (5) of the Regulations, see below). This is important to provide transparency and to avoid unnecessary delay in the process, particularly in the stages post EIP where in the past

under the RSS system there have been substantial delays in the stages controlled by the Secretary of State.

In order to facilitate a speedy RS preparation process and to avoid unnecessary delay, it will be essential to ensure that any input from Government is well coordinated and integrated. The policy statement should require that all Government Departments, through the Government Office, will provide a single, joined up input into the RS process in a timely fashion.

The guidance should also require that, as part of agreeing the Project Plan, the RRAs and the Government Office, in liaison with the Planning Inspectorate, will set a timeframe for the publication of the Panel report following the EIP. This will need to take into account the extent of the revisions to the Regional Strategy and the level of controversy.

It is agreed that, once agreed, the Project Plan should only be changed exceptionally. However, para 5.10 should be amended slightly to cover significant changes in external circumstances or in the economic, environmental or social conditions in the region that may require changes to the Project Plan. Para 5.10 should therefore be amended as follows:

‘Once finalised, the project plan will apply to both the responsible regional authorities and to the Secretary of State, and it should only be changed exceptionally, such as for example where:

1. Significant changes in regional circumstances or new government priorities or policies require the Project Plan to be adjusted.
2. ...’

### **Options**

The approach in para 5.23 that Options need to be proportionate, reasonable, meaningful and deliverable is generally supported. However, the guidance needs to make it very clear that RRAs are only required to consider reasonable alternatives, taking into account the purpose, scope, objectives and geographical scope of the Strategy. This should be reflected in para 5.23 as follows:

‘Options should be:

1. ...
2. Reasonable, taking into account the purpose, scope, objectives and the geographical scope of the Strategy and the legal powers of the responsible regional authorities.
3. ...’

There are serious concerns as to whether the requirement for considering and consulting upon ‘substantially changed or new options’ in para 5.24 is needed and whether this could unnecessarily complicate and delay the process, with significant additional resource implications for the RRAs. As currently formulated in the guidance, the requirement could go against the aim of streamlining the strategy making process.

For example, a Preferred Option/Draft Revision could be the same as one of the Options that had previously been consulted upon but, in many cases, it may well be a combination of elements of Options or could even be different from all Options considered at the Options stage. Thus, in practice, the Draft Revision would be substantially changed or ‘new’ compared to the original Options. This is a normal result of the process of developing a Regional Strategy.

As currently drafted, the guidance could mean that, for example, when RRAs consider significant changes following the Options consultation stage or after the EIP, they would have to consider whether alternatives should be put forward and whether further consultation is needed. This would have significant implications in terms of both time and resources, and would slow down the process substantially.

The guidance needs to clarify that such changes are part of the normal strategy development process (i.e. in the above examples they would be considered as part of the formal consultation on the Preferred Option and the consultation on the Secretary of State's Proposed Changes respectively). Alternatively, para 5.24 should be deleted.

### **Evidence base**

The approach to establishing and maintaining an evidence base set out in paras 5.12 to 5.14 is welcomed and supported in principle. However, the guidance should highlight the importance of 'intelligence' as opposed to 'evidence' per se. To this end, the second line of para 5.12 should refer to 'takes account of best available information and intelligence' and the third line in para 5.13 should similarly refer to 'available information and intelligence'. It should also be recognised that the evidence base is likely to be a compendium of evidence rather than one specifically created for the RS alone (e.g. including other regional and sub-regional study work).

In the light of the 'Regional Housing functions' letter sent out to all Regional Housing Board Chairs on 10<sup>th</sup> August 2009, the Policy Statement should clarify what is expected of regions in terms of assessing and analysing the evidence on the full range of housing issues referred to in the letter.

Government also needs to recognise that the high expectations set in the guidance in respect of evidence base will have significant resource implications for RRAs. Whilst it is agreed that the Regional Strategy needs to be underpinned by a robust evidence base, a balance needs to be struck between requirements in the guidance and the resources available to RRAs. This should be recognised in the guidance.

The Government's commitment to advise RRAs on the assumptions to be made in relation to regional funding availability (para 5.13 sub-para 4) are generally welcome and strongly supported. However, as highlighted above, the guidance should express a stronger commitment from Government that this advice will i) be provided throughout the Regional Strategy process and at the earliest opportunity; and ii) will be comprehensive in nature and cover all funding streams coming into the region. This is a key precondition for enabling regions to prepare strategies that are deliverable and have regard to all funding likely to be available to ensure its implementation.

### **Statement of Community Involvement [Q1.7]**

The emphasis on partnership working and engagement of stakeholders is welcomed and fully supported. Such an approach has been good practice in the West Midlands for many years where a wide range of stakeholders has been engaged in regional strategy making. The guidance should enable regions to build on such good practice and provide sufficient flexibility so that RRAs can tailor their approach to regional circumstances and existing experience. Therefore the statement in para 5.18 that it is for each region to decide how to engage with stakeholders is welcomed and strongly supported.

Partners in the West Midlands very much value stakeholder engagement and are keen to continue the good practice that exists in the Region. In order to facilitate this, Government needs to recognise that meaningful stakeholder engagement requires adequate resources, including time and financial resources. This should be recognised in the Policy Statement and will need to be reflected in the level of resources being made available to RRAs. Government Offices will also need to bear this in mind when feeding into and agreeing the Project Plan for the preparation of the RS.

The requirement for preparing and keeping up to date a statement on how stakeholders and communities will be involved is generally welcomed as long as it does not place undue resource requirements on RRAs. The preparation of Statements of Community Involvement has already been good practice in the West Midlands, for example, as this is part of the process of revising the RSS.

However, the terminology used in the draft guidance is confusing. Rather than using the term ‘policies’ on involving stakeholders, the guidance should more appropriately refer to the ‘approach’ to stakeholder engagement to clearly distinguish this from the policies to be set out in the Regional Strategy itself (as required in para 3.4 sub-para 3). Similarly, the term ‘Statement of Community Involvement’ would be more appropriate and meaningful than ‘Statement of Policies on Community Involvement’. It is therefore suggested that the wording throughout the guidance is amended accordingly.

#### **Appraisals[Q1.8]**

Para 5.29 sub-para 4 refers to a number of assessments and appraisals. Whilst it is accepted that Regional Strategies will need to be properly assessed, Government needs to be mindful of and balance the numerous requirements placed on RRAs with the time and resources it will take to undertake all of these appraisals in addition to the various other requirements arising from preparing a Regional Strategy (e.g. evidence base, stakeholder and community engagement etc.). Government should also clarify which of the requirements in existing national policy and guidance (e.g. the requirement to undertake Regional Flood Risk Appraisals currently set out in PPS25) are expected to be fulfilled by RRAs under the new arrangements.

The guidance should clarify which assessments and appraisals RRAs are expected to carry out and those that are optional (e.g. as regards equality legislation, health or rural proofing). If RRAs are expected to carry out all assessments and appraisals referred to in para 5.29 (i.e. SA/SEA, HRA, equality impact assessment, health impact assessment and rural proofing), this should be clearly spelled out and the necessary resources will need to be made available to RRAs to perform these tasks.

The guidance needs to clarify how the proposed ‘national core sustainability framework’ (para 5.30) will relate to existing regional frameworks such as the Regional Sustainable Development Framework (RSDF) in the West Midlands. For example, the objectives in the RSDF have been used as a basis for the assessment framework in the SA for the RSS and RES. The national sustainability framework should ‘inform’ the regional work but the Regional Strategy guidance must provide sufficient flexibility to enable regions to draw on the existing regional frameworks, within the context of the emerging national framework.

Further comments regarding SA/SEA and HRA requirements, especially in the post EIP stages, and the resource implications thereof are set out below.

### **Formal consultation on the draft Regional Strategy/Lead-in to an EIP**

As currently drafted, the policy statement provides insufficient clarity on the process after publication of the Preferred Option, especially in respect of the process of consulting on the Preferred Option and the period in the run up to the EIP. This relates in particular to the respective roles of the RRAs, Government Offices and the Panel.

The text in the guidance says relatively little about this part of the process. However, the process diagram in Appendix A seems to indicate that RRAs are expected to ‘undertake statutory consultation on the published draft Regional Strategy’. This is a new/additional requirement as, under the current arrangements, the consultation would be handled largely by the Panel Secretariat (especially as regards the receipt and handling of consultation responses).

The process and responsibilities for this stage of the process need to be clarified in the guidance, especially as to what is required from RRAs as opposed to the Panel. Any additional requirements on RRAs would clearly have resource implications.

### **Examination in Public (EIP) [Q1.9]**

The guidance states that RRAs can arrange for an EIP to be held (para 5.31) and that the EIP Panel will report to the RRAs (para 5.33). As a matter of principle, it needs to be clarified whether RRAs are expected to pay for this. If this is the case, this would have major budget implications for RRAs and would require very significant additional funding from Government.

The general presumption in favour of holding an EIP (para 5.32) is supported. The guidance should spell out that it is essential that EIPs are conducted in an interactive ‘round table’ format with a clear emphasis on examination and scrutiny of the draft Regional Strategy, rather than participants simply presenting their individual cases.

The provision in the guidance that RRAs can ask the Secretary of State to appoint a Panel Chair as early as possible in the Regional Strategy process (para 5.35) and that the Panel can be involved, in an independent manner, throughout the preparation of the Regional Strategy (paras 5.36 and 5.37) is welcomed and supported. However, the guidance should clarify that the early appointment does not only relate to the Panel Chair but, as far as necessary, also the other members of the Panel and their support team (i.e. Planning Inspector/ Planning Officers to provide ‘professional’ advice and Panel Secretary to facilitate liaison between the Panel and RRAs). It will be important that the members of the Panel and their professional support staff have the skills required to deal with the broader scope of the new RS.

The policy statement should specify that the professional officers/advisors to the Panel should be accessible to RRAs throughout the process to discuss technical issues. The guidance should also clarify the intended scope and purpose of the proposed early technical/exploratory sessions (para 5.36).

The policy statement should give further guidance on the selection of participants for the EIP to ensure that the examination will be meaningful and that a sufficiently wide range of interests is represented. To this end, the following wording (which builds on the guidance in existing PPS11) should be added at the end of para 5.38:

‘The main criterion for selecting participants will be the significance of the contribution they can be expected to make to the discussion. The Panel should seek to invite a sufficient range of views and interests, whilst ensuring that the number of participants does not preclude meaningful debate.’

In general, the tests of soundness in para 5.39 seem appropriate and are supported, subject to two small but important amendments. First, whilst it is important that the Regional Strategy needs to be sufficiently flexible to be able to deal with changing circumstances, it also needs to be sufficiently robust to provide the long term strategic framework required in para 3.1 of the guidance. Para 4.2 sub-para 2 should be amended accordingly (similar to para 2.49 (ix) in PPS11, see below). Secondly, the provision in relation to consistency with national policy (para 5.39 sub-para 3 (b)) needs to be aligned with para 4.2 (as amended, see above) and para 5.23 sub-para 5.

Therefore, para 5.39 should be amended as follows:

‘In examining the draft Strategy the Panel will need to satisfy itself that the Strategy is sound. The main considerations which the Panel will apply in making this judgment are whether the Strategy:

1. Is justified by being founded on a robust and credible evidence base and that it is an appropriate Strategy when considered against the reasonable alternatives.
2. Will be effective by being deliverable, robust and able to deal with changing circumstances, as well as able to be monitored.
3. Meets the requirements set out in legislation, such as the extent to which it:
  - (a) Is consistent with national policy or, if not, whether the case has been adequately made for departing from national policy
  - (b) ...’

The statement in para 5.40 that major new material should not be introduced prior to an EIP is generally supported. However, in practice, there may well be circumstances (e.g. publication of new household projections by Government in the run up to an EIP) in which it could assist rather than hinder the EIP process if RRAs made new information available to the EIP (e.g. analysis of regional and sub-regional implications of the new household projections). The first sentence in para 5.40 should be amended as follows to provide for such exceptional circumstances:

‘To avoid unnecessary delay and confusion, responsible regional authorities should not introduce major new material prior to an EIP, other than in the most exceptional circumstances, and as agreed in consultation with the Panel. Where possible ...’

Para 5.40 states that, where possible, RRAs should inform the Panel about their views about significant issues raised in the representations on a draft Regional Strategy, including any changes they think are needed to address such issues. It is not clear from the draft guidance whether this should be done prior to the opening of the EIP or as part of the discussion at the EIP itself.

If, as is assumed, this is intended to relate to the period prior to the EIP, this is a significant additional step in the process. Whilst this is supported in principle (as such communication between RRAs and the Panel can assist the EIP process), this could potentially slow down the process as RRAs will require adequate time to analyse and consider all responses, including

any technical assessments (such as in respect of the SA/SEA implications of any changes) and necessary political clearance. This needs to be clarified and recognised in the Policy Statement.

In any case, this requirement would have significant resource implications for RRAs, including time and financial resources. Whilst the principle of informing the Panel about the RRAs' views on the key issues raised is supported, this requirement needs to be manageable and balanced with the practical implications and potential delay this extra step in the process could cause. This needs to be clearly spelled out in the guidance. Such clarification is also required to manage/moderate what is expected of RRAs and, ultimately, to avoid legal challenges.

In the light of this, the second and third sentence in para 5.40 should be amended as follows:

‘... . Where possible and practicable responsible regional authorities should make it clear to the Panel prior to the EIP their views about significant issues raised, including any changes they think are needed to address such issues. This should, however, not lead to a delay to the EIP. It will not be appropriate for responsible regional authorities to produce a revised draft of the Regional Strategy prior to an EIP.’

Notwithstanding the above, the statement in para 5.40 that it will not be appropriate for responsible regional authorities to produce a revised draft of the Regional Strategy prior to an EIP is strongly supported. Otherwise this would have significant resource implications and would slow down the process significantly.

### **Post EIP stages**

The draft guidance requires RRAs, following the EIP and having considered the Panel's recommendations and all of the representations made about the draft Regional Strategy, to consider whether any changes should be made to the draft Regional Strategy prior to submitting it to the Secretary of State (para 5.41). This is an important new element in the process which is welcomed and supported in principle. However, this requirement will have significant additional resource implications for RRAs (which, under the present system, do not accrue to RPBs). This includes the analysis of the Panel's report, any further technical work RRAs deem necessary to ensure that any further changes are soundly based (e.g. including SA/SEA/HRA, Equality and Health Impact Assessments and Rural Proofing as required e.g. in para 5.46).

The guidance should clarify the basis on which RRAs will need to consider any changes to the draft Regional Strategy post EIP and, in particular, what weight RRAs should give to the Panel report as opposed to the representations on the draft Regional Strategy. There appears to be some inconsistency in the draft guidance in that para 5.33 states that the Panel report 'should form the main basis for any changes', whilst para 5.41 seems to put the Panel report and all of the representations made on the draft Regional Strategy on an equal basis. There should be a clear expectation in the guidance that the Panel report should be the paramount consideration.

There is also inconsistency between the requirements on RRAs (which have to consider the Panel report and all of the representations made on the draft Regional Strategy, see para 5.41) and those on the Secretary of State (who, besides the Panel report, is only required to have regard to 'any representations on issues that had not been debated at the EIP', see para 5.43).

For consistency and in order to reduce unnecessary burdens on RRAs, the same requirements should apply to both RRAs and the Secretary of State, i.e. to consider the Panel report and any representations on issues that had not been debated at the EIP.

The guidance should also make it clear that, in considering any changes to the draft Regional Strategy, the Secretary of State should restrict such changes to an absolute minimum. Changes by the Secretary of State should be restricted to strategic issues where there is a clear conflict with national policy and where there is a national justification for such change. This will be essential to ensure speedy finalisation of the Regional Strategy and to maintain regional ownership of and buy-in to the final Regional Strategy.

There should be a clear commitment from the Secretary of State to ensure a speedy turn around of any changes to the submitted Draft Revision. Given that the preparation and finalisation of any changes by the Secretary of State represent only a small part of the process (as shown in the process chart in Appendix A of the guidance), there should be a clear expectation that this part of the process would generally to be completed in no longer than one quarter of the overall process (i.e. from 'Project planning' to 'Finalisation of Regional Strategy'). This should be agreed and set out in the Project Plan.

Besides the resource implications for RRAs arising from the SA/SEA/HRA requirements in para 5.46 (see above), there are concerns about the requirement to assess any significant changes to the draft Regional Strategy post EIP 'along with any reasonable alternatives that may come forward'. Regarding the requirement to assess 'reasonable alternatives', it needs to be clarified in the Regional Strategy guidance and/or in the supplementary SA guidance that:

1. in most cases, reasonable alternatives will have already been considered at earlier stages of the Regional Strategy process (i.e. at the Options stage, in preparing the draft Regional Strategy and at the EIP/in the Panel report), and
2. therefore, RRAs will generally not be required to develop, consider or assess new/additional alternatives to the changes they propose (but that they could instead compare the proposed changes to alternatives considered at earlier stages of the process).

If RRAs (and/or the Secretary of State) were required to develop, consider or assess new/additional alternatives at this stage, this would have significant implications, in terms of both resources required and delay of the process. This issue needs to be considered in finalising the guidance and any requirements on RRAs should be reduced to the absolute minimum.

It is noted that RRAs will be required to publish the final Regional Strategy as approved by the Secretary of State (para 5.47). However, there are some fundamental and practical concerns about this. Firstly, there is the question of 'ownership' of the content of the approved Regional Strategy. As RRAs are to publish the approved Regional Strategy, there will be an expectation among regional stakeholders (intentionally or unintentionally) that the content of the approved strategy is owned by the RRAs. However, this will lead to ownership problems in those cases where the Secretary of State has made changes to the draft revision which are not supported by the RRAs. In order to minimise these potential problems of ownership, the Secretary of State should:

1. restrict any changes to an absolute minimum, focusing on strategic issues where there is a clear conflict with national policy and a national justification, in order to retain regional ownership of and buy-in to the final Regional Strategy; and
2. set out clearly in the approved Regional Strategy (or in a supporting document) any significant issues where the Secretary of State's view differs from that of the RRAs. RRAs should be given the opportunity to set out in a preface to the approved Regional Strategy any key differences in view.

At a practical level, the requirement to publish the approved Regional Strategy will also have significant resource implications for RRAs (design, print, publication, distribution etc. of the final document).

### **Implementation Plan [Q1.11]**

The principle that RRAs are required to produce, publish and keep up to date an Implementation Plan (para 5.48) is welcomed and supported. However, Government needs to recognise that this is a significant requirement, not least because of the required annual monitoring and review of the Implementation Plan, which will have significant resource implications for RRAs.

The principle that the Implementation Plan itself will not be subject to testing at an EIP (para 5.48) and the provisions in para 5.50 are also supported. For the avoidance of doubt, para 5.50 sub-para 1 could state that not only does the Implementation Plan not form part of the statutory development plan but also does it not need to be formally consulted upon as such (other than forming part of the 'background evidence').

Notwithstanding this, the policy statement should specify that an Implementation Plan which clearly follows from the policies and priorities in the RS should be given sufficient weight. Other organisations, including statutory agencies, should be required to take the Implementation Plan, including projects and programmes identified in the Plan, into account in their programmes and investment activities.

Whilst the focus on priorities over the first 3-5 years (para 5.49 sub-para 3) is supported in principle, the Implementation Plan should, where necessary, also set out longer term priorities of strategic importance (e.g. significant infrastructure schemes) to provide the necessary strategic guidance.

Para 5.49 could usefully include three further points. Firstly, an additional point should be added, possibly after the existing point 4.: "5. provide the ability to have clear read-across to regional-level schemes that are (a) essential to the delivery of the Regional Strategy and (b) are contained within investment programmes agreed with Government (e.g. Regional Funding Advice)."

This should be followed by an additional point: "6. Set out assumptions about funding sources including any use of a Regional Infrastructure Fund and the Community Infrastructure Levy."

Thirdly, an additional point should be added, possibly after the existing point 7: "10. Where appropriate, set out separate focused 'statements' on what is required to deliver the Regional Strategy in each sub-region." This was usefully undertaken for the RSS Implementation Plan in the West Midlands and, in many cases, this is the best geographical level to demonstrate

how and why new infrastructure packages are required in particular locations to deliver the overall strategy. These should not only identify committed, planned or proposed projects of regional and sub-regional significance but also the assumptions regarding the general level of supporting investment required from other programmes (e.g. investment in skills, housing, social support). However, this will need to be focussed, e.g. a 5-10 year statement, and linked to identified priorities (such as through the Regional Funding Advice process) in order to avoid the Implementation Plan becoming a set of ‘wish lists’.

Annual monitoring should set out the progress of regionally significant schemes (defined above) which are deemed necessary for the delivery of the Regional Strategy. It is suggested that sub-regional schemes identified in the Implementation Plan should be monitored at a sub-regional level; this should then form an input into the regional Annual Monitoring Report. In relation to SA/SEA/HRA requirements for the Implementation Plan (para 5.51), this could potentially have significant implications in terms of both time and resources required to prepare and update the Plan. Government needs to clarify:

1. in what circumstances the Implementation Plan would require any of these assessments and appraisals;
2. who is responsible for giving ‘advice’ to RRAs on whether an SA/SEA/HRA is required or not; and
3. if RRAs will be charged for obtaining such ‘advice’, this will need to be reflected in the funding available to RRAs.

The recognition of the importance of taking account of the resources likely to be available to implement the Regional Strategy (para 5.52) is welcomed and supported (see also above). Whilst there has been a lot of good practice in the West Midlands in terms of liaison with key delivery agencies and partners, in some cases there have been problems in obtaining relevant information from other organisations. As promised by Ministers during the legislative process, there should be a clear duty to cooperate on key delivery partners to engage actively in and contribute relevant information to the Regional Strategy preparation process in a timely manner. The policy statement should set such a duty to cooperate. This should also require partners to demonstrate how their programmes and actions conform with, and contribute to the implementation of, the RS and the Implementation Plan.

### **Conformity/Implementation through local strategies**

The recognition in the guidance of the importance of working closely with partners, especially local authorities, to promote the implementation of the Regional Strategy is welcomed and strongly supported. In the West Midlands there is an excellent track record of working with local authorities through the conformity process. The requirement on RRAs to ‘actively engage with local authorities to promote the implementation of the Regional Strategy at the local level’ (para 5.55) is welcomed. However, this will require that RRAs are adequately resourced to carry out what in practice is a major task (given the large number of plans and authorities involved).

The guidance should also spell out that local authorities (including local planning and transport authorities) should work with RRAs to inform the preparation of the Regional Strategy and of local plans and programmes.

The guidance should also clarify the role of RRAs in the process of testing the ‘general conformity’ of local development documents (LDDs) (para 5.56). There should be a

presumption that a conformity opinion from the RRAs will be required to assist Planning Inspectors in coming to a view on the soundness of LDDs (Essentially, this should be treated in the same way as with major planning applications where RRAs will provide an opinion of conformity in their role as statutory consultees). If RRAs are expected to provide an opinion on general conformity, this should be spelled out clearly and the resource implications of this need to be addressed. Similarly, if RRAs are expected to contribute to or participate at examinations of local development documents or planning inquiries, this will also have significant resource implications.

Whilst local government will play a key role in shaping and delivering the RS, the policy statement (paras 5.54 to 5.57) focuses too narrowly on local authorities' plans and activities. The policy statement needs to recognise and clearly spell out that implementation of the RS will rely on delivery through a wide range of organisations, including Government Departments and statutory agencies (see above). There should be an expressed requirement in the policy statement that other programmes and investment activities need to be consistent with the Regional Strategy.

### **Annual monitoring [Q1.12]**

The requirement to prepare and publish an annual monitoring report is welcomed and supported. The statutory date of 28<sup>th</sup> February for the publication of the AMR in respect of RSS has proven challenging in the past but is achievable and necessary in order to maintain relevance. The West Midlands has an excellent track record in this respect relation to the RSS.

It is welcomed in general that the current RSS and LDF Monitoring Good Practice Guidance and Core Output Indicators (Update 2/2008) are upheld and that the established systematic approach to the monitoring of regional-level strategy is to be maintained. However, in view of i) the increased scope of the single Regional Strategy; and ii) the less well established/formalised approach to the monitoring of other strategies, Government should consider an urgent review of this documentation so that it can be updated and rendered fit for its future extended purpose in all policy areas covered by the Regional Strategy.

In any case, the policy statement needs to provide sufficient flexibility so that regions can put in place monitoring frameworks that are fit for purpose and tailored to the policies and priorities in the RS. An overly prescriptive national framework of indicators and targets will not assist RRAs in focusing on the issues that are most relevant to the communities in their area and in assessing progress against agreed regional priorities.

The indicator structure proposed will be sufficient to enable reportage against the Core Output Indicators and the actions identified in the Implementation Plan. It is also necessary for the Annual Monitoring Report to gauge progress toward policy. In light of the strategy's expanded scope this has potential for the annual monitoring report process to become exceedingly cumbersome and could potentially threaten the achievability of the statutory deadline. Any new guidance should therefore assist RRAs in the development of a realistic monitoring framework (in its widest sense) which will have the potential to satisfy Government's as well as regional policy requirements.

The role of the Sustainability Appraisal in the nomination of Significant Effects Indicators – and the subsequent contribution of these indicators to the assessment of direction of travel and unintended consequences – should be reiterated.

The monitoring of the LDF (as first tier of the DP system) should be complementary to the monitoring of the Regional Strategy (as second tier). This should apply not only to progress towards individual policies but also to the monitoring of the progress of the Implementation Plan, in particular the sub-regional schemes of regional importance. The revised Guidance to Monitoring should make this relationship and interplay clear.

The monitoring of the economic aspect of the regional strategy is not developed by the consultation document. It is suggested that the statutory Local Economic Assessments to be produced by Local Authorities (either singly or as sub-regions) are nominated in having a particular relevance in this respect so that a sub-regional grain to this aspect is achieved.

The resource requirements for an effective and fit for purpose monitoring system able to provide an annual update and assessment of implementation that is sufficiently robust to withstand examination in public are considerable. If RRAs are expected to cover all these aspects this will have significant resource implications.

### **Supporting documents [Q1.13]**

The provision that RRAs can publish supporting material, evidence or advice to assist in the implementation of the Regional Strategy (para 6.1) is generally welcomed and supported. It is important that such material should not be subject to examination itself.

It is agreed that such supporting documents should not form part of the development plan. However, the statement in para 6.1 that such documents should not be ‘policy-based’ is confusing and potentially misleading. Clearly, such documents should be based on the policies in the Regional Strategy and, in that way, they could be seen as being ‘policy-based’. The second sentence of para 6.1 should therefore be reworded as follows: ‘Such material should not have the status of policy nor ...’. Such an approach would require that regions are able to put sufficient policy ‘hooks’ into the Regional Strategy itself which will then provide a policy platform for supporting documents.

### **Comments on the draft Regulations [Q2.1]**

It is noted that the Local Democracy, Economic Development and Construction Bill does not make provision for formal input from local authorities akin to the provision in Section 4(4) of the Planning and Compulsory Purchase Act 2004. However, local authorities will need to play a crucial role in the preparation, monitoring and implementation of the RS. The Regulations should recognise this crucial point.

Para 2 regarding ‘Specific consultation bodies’: This list should include the Homes and Communities Agency.

Para 2 regarding ‘relevant authority’: For clarity, the list should include unitary and metropolitan councils in addition to district and county councils.

Para 3: The term ‘Statement of policies on community involvement’ should be changed to ‘Statement of Community Involvement’. Similarly, the text in para 3 should be amended as follows:

‘In complying with the duty under [section 72 of the Act] (preparation and publication of statement of policies as to involvement of persons interested in exercise of RRAs functions in revision of regional strategy), an RRA must–

(a) indicate in ~~the policies to be included in~~ the statement –  
(i) ...’

Para 4: The terminology regarding the name of the documents at the different stages of the process should be clarified (‘Preferred Option’, ‘Draft Revision’, ‘Approved Strategy’ – see above).

Para 4 (5): As recognised in the draft Policy Statement, not only should RRAs be required to comply with the Project Plan but also the Secretary of State (see above). This para therefore needs to be amended as follows:

‘The RRA and the Secretary of State must comply with the project plan, ...’