

2013 No. 427

TOWN AND COUNTRY PLANNING, ENGLAND

**The Regional Strategy for the South East (Partial Revocation)
Order 2013**

<i>Made</i>	- - - -	<i>26th February 2013</i>
<i>Laid before Parliament</i>		<i>28th February 2013</i>
<i>Coming into force</i>	- -	<i>25th March 2013</i>

The Secretary of State, in exercise of the powers conferred by section 109(3), (5) and (6) of the Localism Act 2011(a), makes the following Order:

Citation, commencement and application

1.—(1) This Order may be cited as the Regional Strategy for the South East (Partial Revocation) Order 2013 and shall come into force on 25th March 2013.

(2) This Order applies in relation to England only.

Partial revocation of Regional Strategy

2.—(1) The Regional Strategy for the South East comprises—

- (a) the regional spatial strategy for the region (“the RSS”)(b); and
- (b) the regional economic strategy for the region (“the RES”)(c).

(2) The Regional Strategy for the South East is revoked except for policy NRM6 of the RSS(d).

(a) 2011 c. 20.

(b) The South East region is the region specified in Schedule 1 to the Regional Development Agencies Act 1998 (c. 45). The RSS for the South East region comprised The South East Plan Regional Spatial Strategy for the South East of England published in May 2009 (“The South East Plan”) together with the Part A Statement of the Milton Keynes & South Midlands Sub-Regional Strategy published in March 2005 so far as that relates to the South East region. The RSS was required by section 1 of the Planning and Compulsory Purchase 2004 (c. 5). Following legal challenges to The South East Plan, bullet point (i) of policy H2 was deleted and policies SP5, H1, LF3 and LF5 were ordered to be treated as not having been approved or adopted to the extent that they specify a particular housing requirement for the borough of Guildford or require a selective review of the green belt boundaries of the borough of Guildford. Under Part 5 of the Local Democracy, Economic Development and Construction Act 2009 (c. 20), section 1 of the 2004 Act was repealed and the RSS became part of the regional strategy for the region from 1st April 2010. Part 5 of the 2009 Act is partially amended and partially repealed by sections 109 and 237 of, and paragraphs 18 and 19 of Schedule 8 and Part 16 of Schedule 25 to, the Localism Act 2011 (c. 20). These amendments and repeals took effect on 15th November 2011, except for the repeal of sections 70(5), 82(1) and (2) which will be commenced on a day to be appointed. Section 83 of the 2009 Act was repealed by section 30(3) of, and Schedule 6 to, the Public Bodies Act 2011 (c. 24).

(c) The Regional Economic Strategy 2006-2016 (“A Framework for Sustainable Prosperity”) was produced by the South East England Development Agency in 2006 as required by section 7 of the Regional Development Agencies Act 1998 (c. 45). Section 7 of the 1998 Act was substituted by section 83 of the Local Democracy, Economic Development and Construction Act 2009 (c. 20) and is repealed by section 109(7) of, and paragraph 2 of Schedule 8 to, the Localism Act 2011(c. 20) on a day to be appointed. Under Part 5 of the 2009 Act, the RES became part of the regional strategy for the region from 1st April 2010. Part 5 of the 2009 Act is partially amended and partially repealed as set out in footnote (b).

(d) Policy NRM6: Thames Basin Heaths Special Protection Area is set out at pages 99 to 100 of The South East Plan.

Partial revocation of directions preserving structure plans

3. All directions under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 preserving policies contained in structure plans in the area to which the RSS relates are revoked except for the direction made on 16th September 2008 in respect of the Oxfordshire Structure Plan 2016 so far as it preserves policy H2(a).

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

26th February 2013

Nick Boles
Parliamentary Under Secretary of State
Department for Communities and Local Government

EXPLANATORY NOTE

(This note is not part of the Order)

Section 109 of the Localism Act 2011(b) abolished the regional planning tier by repealing Part 5 of the Local Democracy, Economic Development and Construction Act 2009(c) (which only applied in relation to England). This includes the removal of the responsible regional authorities. Section 109 of the Localism Act 2011 also made provision to revoke, by order, the whole or any part of a regional strategy under Part 5 of the 2009 Act and any remaining structure plan policies that were saved as part of the transitional provisions under Schedule 8 to the Planning and Compulsory Purchase Act 2004(d).

Article 2 of this Order partially revokes the regional strategy for the South East, which includes The South East Plan Regional Spatial Strategy for the South East of England. Policy NRM6 of The South East Plan, which relates to new residential development near the Thames Basin Heaths Special Protection Area, an area designated under European Directives 79/409/EEC (now codified in 2009/147/EC) and 92/43/EEC, is retained. The effect of Article 3 of this Order is to revoke all remaining structure plan policies in the region except for policy H2 of the Oxfordshire Structure Plan 2016, which relates to the former air base at Upper Heyford in Oxfordshire.

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- (a) The Oxfordshire Structure Plan 2016 was adopted on 21st October 2005. On 16th September 2008 the Secretary of State for Communities and Local Government issued a direction under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 (c. 5) preserving certain policies contained in the structure plan beyond the transitional period defined in paragraphs 1(2) and 2(4) of Schedule 8. The South East Plan replaced all of these preserved policies except for T7 (service areas), H2 (Upper Heyford), and M2 (Sand and gravel).
- (b) 2011 c. 20.
(c) 2009 c. 20.
(d) 2004 c. 5.

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