

Local Development Framework Advisory Group

Legal Briefing Paper

Revising an Adopted Core Strategy

The legislation

Section 26 of the Planning and Compulsory Purchase Act, 2004 (the Act)¹ allows local planning authorities to revise their Local Development documents (LDDs)² 'at any time'. The legislation does not contain any fetters on the LPA's ability to revise the document so the question of what triggers a revision is largely left to the LPA. As the core strategy is a foundation document in the local development framework it is not a document that one would expect to see change too frequently as that is likely to cause instability however one can imagine events such as changes in national policy or a major shift in evidential bases may require revision.

The content and procedure for revision of a LDD is required by law to be the same as the preparation of the documents. As the core strategy is a Development Plan document, any revision must go through the same formal scrutiny and approval process including an independent examination before being adopted in its revised form. Similarly, the content of the revision must adhere to the policy framework in section 19 of the Act which includes compliance with national policies and regional spatial strategies. It is also likely that a change to the core strategy will have a ripple effect with subsequent amendment to other LDDs.

Note that section 26 requires LPAs to revise or review a LDD if :

1. under a direction by the Secretary of State to do so;
2. an enterprise zone³ has been designated

Current position

The Planning Inspectorate cite the case of North Norfolk District Council as the single proposed revision to a Core Strategy thus far. In that case, a single policy in the Core Strategy was rejected by the Inspector on examination for inconsistency with national policy. The Inspector proposed the submission of a revised policy and the Council have begun the formal process of preparing a new policy for examination and then adoption.

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¹ Brought into force on 28th September 2004 by SI 2004/2002

² The Town and Country Planning (Local Development) (England) (Regulations) 2004 SI 2004/2204 prescribe the following as LDDs: core strategy, the submissions proposals map, area action plan, Site allocations policy document, the statement of Community Involvement, SPDs

³ Made by Order under paragraph 5 of Schedule 32 to the Local Government, Planning and Land Act 1980 (c. 65)