
STATUTORY INSTRUMENTS

2010 No. 601

TOWN AND COUNTRY PLANNING, ENGLAND

The Town and Country Planning (Regional Strategy) (England) Regulations 2010

<i>Made</i>	- - - -	<i>1st March 2010</i>
<i>Laid before Parliament</i>		<i>8th March 2010</i>
<i>Coming into force</i>	- -	<i>1st April 2010</i>

The Secretary of State, in exercise of the powers conferred by sections 70(7), 71(9) and (10), 80(1)(a) and 81(3) of the Local Democracy, Economic Development and Construction Act 2009⁽¹⁾, makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Town and Country Planning (Regional Strategy) (England) Regulations 2010 and shall come into force on 1st April 2010.

(2) These Regulations apply in relation to England only.

Interpretation

2. In these Regulations—

“the Act” means the Local Democracy, Economic Development and Construction Act 2009;

“general consultation bodies” means the following bodies—

- (a) bodies which represent the interests of persons carrying on business in the region;
- (b) bodies which represent the interests of different racial, ethnic or national groups in the region;
- (c) bodies which represent the interests of different religious groups in the region;
- (d) bodies which represent the interests of disabled persons in the region;
- (e) voluntary bodies some or all of whose activities benefit any part of the region;

“relevant authorities” means—

- (f) a district council;
- (g) a county council;

(1) 2009 c.20.

- (h) a National Park authority;
 - (i) the Broads Authority;
- “RRA”, in relation to a region, means the responsible regional authorities for that region⁽²⁾;
- “the sustainability appraisal” means the appraisal of the sustainability of the proposals in the draft revision of the regional strategy”;
- “the sustainability appraisal report” means the report of the findings of the sustainability appraisal;
- “specific consultation bodies” means the following bodies—
- (j) any of the relevant authorities whose area is wholly or partly in or adjoins the RRA’s region;
 - (k) a parish council any part of whose area is in or adjoins the RRA’s region;
 - (l) the RRA for each adjoining region, or, where the region adjoins London, the Mayor of London;
 - (m) Natural England;
 - (n) the Commission for Rural Communities;
 - (o) the Historic Buildings and Monuments Commission for England;
 - (p) the Homes and Communities Agency;
 - (q) the Environment Agency;
 - (r) Network Rail;
 - (s) the Highways Agency;
 - (t) the Trades Union Congress;
 - (u) the Council of the Isles of Scilly;
 - (v) any person—
 - (i) to whom the electronic communications code applies by virtue of a direction given under section 106(3)(a) of the Communications Act 2003⁽³⁾ (application of the electronic communications code); and
 - (ii) who owns or controls electronic communications apparatus situated in any part of the region;
 - (w) any—
 - (i) Strategic Health Authority;
 - (ii) person to whom a licence has been granted under section 6(1)(b) or (c) of the Electricity Act 1989⁽⁴⁾(licences authorising supply etc.);
 - (iii) person to whom a licence has been granted under section 7(2) of the Gas Act 1986⁽⁵⁾(licensing of gas transporters);
 - (iv) sewerage undertaker;
 - (v) water undertaker;
 exercising functions in any part of the region.

(2) As to “responsible regional authorities” see section 72 of the Local Democracy, Economic Development and Construction Act 2009 . As to “region” see section 87 of the Local Democracy, Economic Development and Construction Act 2009.

(3) 2003 c.21.

(4) 1989 c.29. Section 6 was substituted by the Utilities Act 2000 (c. 27), section 30. Subsection (1)(b) was substituted by the Energy Act 2004 (c. 20), section 136(1).

(5) 1986 c.44. Section 7 was substituted by the Gas Act 1995 (c. 5), section 5 and amended by the Utilities Act 2000, section 3(2).

Statement of policies on community involvement

3. In complying with the duty under section 75 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) the way in which persons who appear to the RRA to have an interest in the exercise of functions in relation to the revision of the regional strategy will be involved; and
 - (ii) the stages in the process of revision at which they will be involved;
- (b) include among the persons to be involved—
 - (i) the specific consultation bodies; and
 - (ii) such of the general consultation bodies as the RRA considers appropriate; and
- (c) publish the statement together with details of the times and places at which the statement may be inspected.

Revision of regional strategy: project plan

4.—(1) Before preparing a draft revision of the regional strategy under section 74 of the Act (review and revision by responsible regional authorities), the RRA must prepare a project plan in relation to the revision, setting out the dates when—

- (a) consultation on the draft revision and the sustainability appraisal report are expected to take place;
 - (b) the examination in public is expected to be held;
 - (c) the examination in public report is expected to be published;
 - (d) the draft revision and the sustainability appraisal report are expected to be published under section 78(1) of the Act (approval of revision by Secretary of State); and
 - (e) the final revision as approved is expected to be published.
- (2) The RRA must publish the project plan, and submit a copy to the Secretary of State.
- (3) The project plan, and any revisions to the plan, must be agreed with the Secretary of State.
- (4) Where revisions to the plan have been agreed with the Secretary of State, the RRA must publish the revised plan together with reasons for the revision.
- (5) The RRA must comply with the project plan, or revised project plan (as the case may be), in the exercise of their functions in relation to revision of the regional strategy.

Annual monitoring reports

5.—(1) The period of twelve months specified for the purposes of section 81(3)(a) of the Act (implementation) is that commencing on 1st April in each year.

(2) The date specified for the purposes of section 81(3)(c) of the Act is 28th February in the year following that in respect of which the report under section 81(2) of the Act is prepared.

Access to meetings and documents of the Leaders' Board

6.—(1) Subject to paragraphs (2) to (5), Part 5A of the Local Government Act 1972(6) (access to meetings and documents of certain authorities, committees and sub-committees) shall apply to a Leaders' Board as it applies to a principal council(7).

(2) Sections 100EA(8) (inspection of records relating to functions exercisable by members) and 100J (application to new authorities etc) do not apply.

(3) Section 100A (admission to meetings of principal councils) shall have effect as if, in subsection (3)(a), the words “or Regional Development Agency” were inserted following “a Government department”.

(4) A reference in the Part to the offices of the council (however expressed)—

- (a) is to be treated as a reference to such premises located within the region as the Leaders' Board considers appropriate, and
- (b) in the application of section 100A(6)(a) to a case where the meeting is to be held at premises other than those mentioned in sub-paragraph (a) above, includes a reference to those other premises.

(5) Schedule 12A to the Local Government Act 1972(9) (access to information: exempt information) shall have effect as if any reference to “the authority” included a reference to a Leaders' Board.

Treatment of areas of National Parks falling within more than one region

7. For the purposes of Part 5 of the Act (regional strategy)—

- (a) the area of the New Forest National Park (which falls within the South East region and the South West region) is to be treated as falling wholly within the South East region;
- (b) the area of the North York Moors National Park (which falls within the Yorkshire and the Humber region and the North East region) and the area of the Yorkshire Dales National Park (which falls within the Yorkshire and the Humber region and the North West region) are to be treated as falling wholly within the Yorkshire and the Humber region; and
- (c) the area of the Peak District National Park (which falls within the East Midlands region, the West Midlands region, the North West region and the Yorkshire and the Humber region) is to be treated as falling wholly within the East Midlands region.

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

Rosie Winterton
Minister of State
Department for Communities and Local
Government

1st March 2010

(6) 1972 c.70. Part 5A (sections 100A to 100K) was inserted by the Local Government (Access to Information) Act 1985 (c.43), section 1.

(7) “Principal council” is construed in accordance with section 100J of the Local Government Act 1972 (c.70). See also the definition of “principal council” in section 270 of that Act.

(8) Inserted by the Local Government and Public Involvement in Health Act 2007 (c.28), section 237(1).

(9) Schedule 12A was inserted by the Local Government (Access to Information) Act 1985, section 1 and Schedule 1.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Part 5 of the Local Democracy, Economic Development and Construction Act 2009 establishes a new regional strategy for each region in England, outside Greater London, setting out policies in relation to sustainable economic growth and in relation to development and land use in the region. The regional strategy is kept under review and revised from time to time by the responsible regional authorities ('RRA'), which comprise the Leaders' Board for the region and the Regional Development Agency. These Regulations set out requirements in relation to revision of the regional strategy by the RRA.

The Regulations deal with the bodies to be consulted by the RRA in drawing up their statement of community involvement as required under section 75 of the Act (regulation 3). They provide for a project plan to be drawn up by the RRA when they undertake revision of regional strategy, and set out the key stages to be included in the plan. The project plan, and any revisions to it, are to be published, agreed with the Secretary of State and complied with (regulation 4). The Regulations specify the period of twelve months beginning on 1st April in each year as that for which annual monitoring reports are to be prepared and 28th February as the date for submission of the previous year's monitoring report (regulation 5).

Regulation 6 applies Part 5A of the Local Government Act 1972 (access to meetings and documents of certain authorities, committees and sub-committees) to meetings and documents of the Leaders' Board where it is acting alone and not as the RRA with the Regional Development Agency. Some modifications are made to those provisions and to Schedule 12A to that Act for the purposes of their application to Leaders' Boards.

Regulation 7 provides that the New Forest National Park is treated as falling wholly within the South East region, the North York Moors National Park and the Yorkshire Dales National Park are treated as falling wholly within the Yorkshire and the Humber region and that the Peak District National Park is treated as falling wholly within the East Midlands region.

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