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STATUTORY INSTRUMENTS

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**2004 No. 2203**

**TOWN AND COUNTRY PLANNING, ENGLAND**

The Town and Country Planning (Regional  
Planning) (England) Regulations 2004

*Made* - - - - 26th August 2004  
*Laid before Parliament* 7th September 2004  
*Coming into force* - - 28th September 2004

The First Secretary of State, in exercise of the powers conferred upon him by sections 2(2), 3(5), 5(3)(g), 5(7)(b) and (c) and 11 of the Planning and Compulsory Purchase Act 2004(1), and of all other powers enabling him in that behalf, hereby makes the following Regulations:

PART 1  
GENERAL

**Citation and commencement**

1.—(1) These Regulations may be cited as the Town and Country Planning (Regional Planning) (England) Regulations 2004 and shall come into force on 28th September 2004.

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

**Interpretation**

2.—(1) In these Regulations—

“the Act” means the Planning and Compulsory Purchase Act 2004;

“address”, in relation to electronic communications, means any number or address used for the purposes of such communications;

“disabled person” has the same meaning as in section 1(2) of the Disability Discrimination Act 1995(2);

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(1) 2004 c. 5. See section 122(1) as to powers to prescribe. See section 12(4) as to the Secretary of State.  
(2) 1995 c. 50.

“draft revision” means a draft revision of the regional spatial strategy (“RSS”) prepared by a regional planning body (“RPB”) or the Secretary of State (as the case may be) in accordance with Part 1 of the Act;

“draft revision documents” means—

- (a) the draft revision,
- (b) the sustainability appraisal report,
- (c) the pre-submission consultation statement, and
- (d) such supporting documents as in the opinion of the RPB are relevant to the preparation of the draft revision;

“draft revision matters” means—

- (a) the subject matter and area covered by the draft revision,
- (b) where the Secretary of State is of the opinion that the draft revision constitutes a minor amendment to the RSS, a statement to that effect,
- (c) the period within which representations on the draft revision must be made in accordance with regulation 13(4)(a),
- (d) the address to which and where appropriate the person to whom—
  - (i) written representations, and
  - (ii) representations by electronic communications,
 must be sent in accordance with regulation 13(4)(b),
- (e) a statement that any representations made may be accompanied by a request to be notified at a specified address of the publication of any changes the Secretary of State proposes to make to the draft revision of the RSS under section 9(3) and of the publication of the revision to the RSS,
- (f) an explanation of the procedure under Part 1 of the Act for considering representations on a draft revision and publishing a revision of the RSS, and
- (g) if the Secretary of State were to decide to hold an examination in public—
  - (i) the likely place the examination will be held,
  - (ii) the likely date the examination will start, and
  - (iii) the name of the person likely to be appointed by the Secretary of State for the purposes of section 8(2);

“electronic communication” has the same meaning as in section 15(1) of the Electronic Communications Act 2000(3);

“electronic communications apparatus” has the same meaning as in paragraph 1(1) of the electronic communications code(4);

“electronic communications code” has the same meaning as in section 106(1) of the Communications Act 2003(5);

“general consultation bodies” means the following bodies—

- (a) voluntary bodies some or all of whose activities benefit any part of the region,
- (b) bodies which represent the interests of different racial, ethnic or national groups in the region,

(3) 2000 c. 7.

(4) The definition of “electronic communications apparatus” has been inserted into paragraph 1(1) of the electronic communications code by paragraph 2(2) of Schedule 3 to the Communications Act 2003 (c. 21).

(5) 2003 c. 21.

- (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) bodies which represent the interests of persons carrying on business in the region;

“inspection” means inspection by the public;

“local planning authority” means–

- (a) a district council,
- (b) a London borough council,
- (c) a metropolitan district council,
- (d) a county council in relation to any area in England for which there is no district council,
- (e) the Broads Authority,
- (f) a National Park authority.

“pre-submission consultation statement” means the statement prepared under regulation 11(2);

“pre-submission consultees” means those bodies which the RPB consults in accordance with regulation 11(1);

“proposed changes matters” means–

- (a) the period within which representations on the changes mentioned in section 9(3) must be made in accordance with regulation 16(3)(a);
- (b) the address to which and where appropriate the person to whom–
  - (i) written representations, and
  - (ii) representations by electronic communications,must be sent in accordance with regulation 16(3)(b); and
- (c) a statement that any representations made may be accompanied by a request to be notified at a specified address of the publication of the revision to the RSS;

“publication statement” means a statement of–

- (a) the date a revision to the RSS is published,
- (b) that any person aggrieved by the revision may make an application to the High Court under section 113 and–
  - (i) the grounds on which such an application can be made,
  - (ii) the time within which such an application must be made;

“specific consultation bodies” means the following bodies–

- (a) a local planning authority any part of whose area is in or adjoins the RPB’s region,
- (b) a county council referred to in section 16(1) any part of whose area is in or adjoins the RPB’s region,
- (c) a parish council any part of whose area is in or adjoins the RPB’s region,
- (d) the RPB for each adjoining region,
- (e) the Countryside Agency(6),
- (f) the Historic Buildings and Monuments Commission for England(7),
- (g) English Nature(8),

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(6) See section 1(1) of the National Parks and Access to the Countryside Act 1949 (c. 97), as substituted by the Environment Protection Act 1990 (c. 43), section 130 and Schedule 8, paragraph 1, and as amended by S.I.1999/416.

(7) See section 32 of the National Heritage Act 1983 (c. 47).

(8) See section 73(1) of the Countryside and Rights of Way Act 2000 (c. 37).

- (h) the Environment Agency<sup>(9)</sup>,
- (i) the Strategic Rail Authority<sup>(10)</sup>,
- (j) a Regional Development Agency<sup>(11)</sup> whose area is in or adjoins the RPB's region,
- (k) the Council of the Isles of Scilly,
- (l) 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, and
  - (ii) who owns or controls electronic communications apparatus situated in any part of the region;
- (m) any—
  - (i) Strategic Health Authority<sup>(12)</sup>,
  - (ii) person to whom a licence has been granted under section 6(1)(b) or (c) of the Electricity Act 1989<sup>(13)</sup>,
  - (iii) person to whom a licence has been granted under section 7(2) of the Gas Act 1986<sup>(14)</sup>,
  - (iv) sewerage undertaker,
  - (v) water undertaker,
 exercising functions in any part of the region;

“submission consultees” means any person to whom regulation 13(1)(c) applies;

“sustainability appraisal report” means the report prepared pursuant to section 5(4)(b); and

“website” in relation to the Secretary of State means a website which he maintains for the purpose of publishing information about a region which is relevant to Part 1 of the Act.

(2) In these Regulations any reference to a section is a reference to a section of the Act unless otherwise stated.

### **Electronic communications**

3.—(1) Where any provision of these Regulations requires a person—

- (a) to send a notice, any other document or a copy of a document to another person, or notify another person of any matter; and
- (b) that other person has an address for the purposes of electronic communications;

the notice, document, copy or notification may be sent or made by way of electronic communications.

(2) Where under any provision of these Regulations or Part 1 of the Act a person may make representations on any document or matter, those representations may be made—

- (a) in writing, or
- (b) by way of electronic communications.

(3) Where—

- (a) an electronic communication is used as mentioned in paragraphs (1) and (2), and

<sup>(9)</sup> See section 1(1) of the Environment Act 1995 (c. 25).

<sup>(10)</sup> See section 201 of the Transport Act 2000 (c. 38).

<sup>(11)</sup> See section 1 of the Regional Development Agencies Act 1998 (c. 45).

<sup>(12)</sup> See section 1(1) of the National Health Service Reform and Health Care Professions Act 2002 (c. 17).

<sup>(13)</sup> 1989 (c. 29); section 6 was substituted by the Utilities Act 2000 (c. 27), section 30.

<sup>(14)</sup> 1986 (c. 44); section 7 was substituted by the Gas Act 1995 (c. 45), and section 7(2) was amended by the Utilities Act 2000 (c. 27), sections 3(2), 76(1) and (3), and Schedule 6, paragraphs 1 and 4.

(b) the communication is received by the recipient outside his office hours, it shall be taken to have been received on the next working day,  
and in this paragraph “working day” means a day which is not a Saturday, Sunday, Bank Holiday or other public holiday.

## PART 2

### CRITERIA FOR RECOGNITION OF REGIONAL PLANNING BODIES, ANNUAL MONITORING REPORTS AND REGIONAL PARTICIPATION STATEMENTS

#### **Criteria for recognition of regional planning bodies**

- 4.—(1) The criteria prescribed for the purposes of section 2(2) are that—
- (a) at least 30% of the members of the RPB are not also members of a relevant authority;
  - (b) all the members of the RPB are entitled to vote when any decision relating to the exercise by the RPB of its functions under the Act is taken by the RPB; and
  - (c) the membership of the RPB includes at least one member from each type of relevant authority, if such an authority exists within the region concerned.
- (2) In paragraph 1(a) and (c) “relevant authority” means—
- (a) a district council,
  - (b) a county council,
  - (c) a metropolitan district council,
  - (d) a National Park authority,
  - (e) the Broads Authority,
  - (f) the Council of the Isles of Scilly.

#### **Annual monitoring reports**

5.—(1) The period in respect of which reports must be prepared under section 3(4) is the period of twelve months commencing on 1st April in each year and ending on 31st March in the following year.

(2) The date prescribed for the purposes of section 3(5)(c) is 28th February in the year following that in respect of which the report under section 3(4) is prepared.

- (3) A report under section 3(4) must contain the following information—
- (a) a statement identifying any policy in the RSS which in the opinion of the RPB is not being implemented;
  - (b) where a policy is identified as mentioned in paragraph (a), a statement of—
    - (i) the reasons why the RPB is of the opinion that the policy is not being implemented; and
    - (ii) the measures that the RPB intends to take to secure that the policy is implemented including, in particular, whether the RPB intends to prepare a draft revision of the RSS which will amend the policy;
  - (c) in a case to which paragraph (4) applies, a statement as to the number of dwellings built in the part of the region in question —

- (i) during the period of the report, and
- (ii) since the policy concerned was first published by the Secretary of State.

(4) This paragraph applies where the RSS contains a policy which specifies, whether by reference to a year or any other period, the number of dwellings to be built in any part of the region.

(5) At the time an RPB submits a report to the Secretary of State under section 3(5)(c) it must publish the report on its website.

### **Regional participation statement**

**6.** In complying with the duty imposed by section 6(1) (preparation and publication of statement of policies as to involvement of persons interested in exercise of RPB's functions under section 5), an RPB must—

- (a) include in that statement policies in particular about—
  - (i) how and when persons who appear to the RPB to have an interest in the revision of the RSS will be involved in its revision, and
  - (ii) the identification and involvement of other persons to work with the RPB in the revision of the RSS;
- (b) make the statement available for inspection during office hours at its principal office and at such other places within the region as the RPB considers appropriate; and
- (c) publish on its website—
  - (i) the statement;
  - (ii) confirmation that the statement is available for inspection; and
  - (iii) details of the times and places at which the statement may be inspected.

## **PART 3**

### **FORM AND CONTENT OF DRAFT REVISION OF REGIONAL SPATIAL STRATEGY**

#### **Content of draft revision of Regional Spatial Strategy**

**7.—(1)** A draft revision must contain new or amended policies to the RSS and amendments to the diagrams mentioned in regulation 9 as the RPB is of the opinion are appropriate.

(2) A draft revision must contain a reasoned justification of the policies contained in it.

(3) Those parts of a draft revision which comprise the policies of the revision and those parts which comprise the reasoned justification required by paragraph (2) must be clearly identified.

#### **Different provision for different parts of region**

**8.—(1)** Where the RPB decides to make different provision for different parts of the region under section 5(5)—

- (a) it must notify the authorities referred to in section 4(4) of its decision; and
- (b) it may give to those authorities information about how the detailed proposals for that different provision are to be made.

(2) The information referred to in paragraph (1) may indicate—

- (a) the geographical area to be covered by the detailed proposals;

- (b) the broad subject matter of the detailed proposals;
  - (c) other bodies that the RPB considers should work with the authorities in making the detailed proposals; and
  - (d) which of the authorities the RPB considers should lead in making the detailed proposals.
- (3) The authorities referred to in section 4(4) must make the detailed proposals for the different provision within twelve weeks of being notified by the RPB under paragraph (1).

### **Diagrams in a draft revision of the Regional Spatial Strategy**

**9.—**(1) A draft revision must contain a diagram, called a key diagram, illustrating the policies contained in the draft revision.

- (2) A draft revision may also contain a diagram, called an inset diagram, which—
  - (a) is drawn to a larger scale than the key diagram, and
  - (b) illustrates the application of the policies to part of the area covered by the revision.
- (3) Where a draft revision contains an inset diagram—
  - (a) the area covered by the inset diagram must be identified on the key diagram, and
  - (b) the application of the policies to that area must be illustrated on the inset diagram only.
- (4) Key diagrams and inset diagrams must—
  - (a) set out the title of the draft revision, and
  - (b) include an explanation of any symbol or other notation that appears on them, and
  - (c) be prepared otherwise than on a map base.

### **Regard to be had to certain matters**

**10.—**(1) Matters prescribed for the purposes of section 5(3) (in addition to those specified in paragraphs (a) to (f) of that subsection) are—

- (a) the strategy prepared for the region under section 7 of the Regional Development Agencies Act 1998<sup>(15)</sup>;
  - (b) the objectives of preventing major accidents and limiting the consequences of such accidents;
  - (c) the need, in the long term, to maintain appropriate distances between establishments and residential areas, buildings and areas of public use, major transport routes as far as possible, recreational areas and areas of particular natural sensitivity or interest;
  - (d) where the region or part of the region for which the draft revision is being prepared adjoins Scotland, the National Planning Framework for Scotland, published by the Scottish Executive in April 2004.
- (2) Expressions appearing both in paragraph (1) and in Council Directive [96/82/EC](#) on the control of major accident hazards involving dangerous substances<sup>(16)</sup> (as amended by Council Directive [2003/105/EC](#))<sup>(17)</sup> have the same meaning as in that Directive.

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<sup>(15)</sup> 1998 c. 45.

<sup>(16)</sup> O.J. No. L10, 14.1.1997, p. 13.

<sup>(17)</sup> O.J. No. L345, 31.12.2003, p. 0097-0105.

## PART 4

### PROCEDURE FOR THE PREPARATION OF A REVISION OF THE REGIONAL SPATIAL STRATEGY

#### **Pre-submission consultation**

**11.**—(1) Without prejudice to section 4(1) (RPB’s duty to seek advice from certain authorities), before submitting a draft revision to the Secretary of State under section 5(8)(b), an RPB must consult—

- (a) such of the specific consultation bodies as are, in the opinion of the RPB, likely to be affected by the draft revision;
  - (b) such of the general consultation bodies as the RPB considers appropriate.
- (2) The RPB must prepare a statement setting out—
- (a) which of the specific and general consultation bodies the RPB have consulted;
  - (b) how those bodies, and any other persons whom the RPB have consulted, were consulted;
  - (c) a summary of the main issues raised in those consultations; and
  - (d) how those main issues have been addressed in the draft revision.

#### **Submission to the Secretary of State**

**12.** When an RPB complies with section 5(8)(b), it must also send the draft revision documents to the Secretary of State in electronic form.

#### **Submission consultation**

**13.**—(1) When the RPB complies with section 5(8)(a) it must—

- (a) make copies of the draft revision documents and a statement of the draft revision matters available for inspection—
    - (i) at its principal office during office hours, and
    - (ii) at such other places within the region as the RPB considers appropriate;
  - (b) publish on its website—
    - (i) the draft revision documents,
    - (ii) the draft revision matters, and
    - (iii) a statement that the draft revision documents are available for inspection and particulars of the places and times at which they can be inspected;
  - (c) send to the pre-submission consultees, and to such other persons who in the opinion of the RPB may wish to make representations on the draft revision—
    - (i) the draft revision,
    - (ii) the sustainability appraisal report,
    - (iii) the pre-submission consultation statement,
    - (iv) such of the supporting documents as in the RPB’s opinion are relevant to the person to whom the documents are being sent,
    - (v) notice of the draft revision matters, and
    - (vi) the statement referred to in paragraph (b)(iii).
- (2) Subject to paragraph (3), when the RPB complies with section 5(8)(a)–



- (a) each local planning authority within the region, and
- (b) any county council within the region whose area includes an area for which there is a district council,

must make copies of the draft revision documents and draft revision matters available for inspection at their principal offices during office hours.

(3) Paragraph (2) does not apply to an authority or council unless the draft revision relates to any part of its area.

(4) Representations on a draft revision must be—

- (a) made within the period, and
- (b) sent to the address and where appropriate the person,

specified pursuant to paragraph (1).

(5) The period referred to in paragraph (4)(a)—

- (a) where the Secretary of State has informed the RPB that, in his opinion, a draft revision constitutes a minor amendment to the RSS, must not be less than 6 weeks;
- (b) in any other case, must not be less than 12 weeks;

starting on the day the RPB complies with section 5(8)(a).

(6) The Secretary of State is not required to have regard to a representation on a draft revision unless that representation is made in accordance with paragraph (4).

### **Examination in public**

**14.**—(1) Where the Secretary of State decides that an examination in public is to be held—

(a) as soon as reasonably practicable after so deciding the Secretary of State must publish on his website—

- (i) a statement of that decision,
- (ii) the address of the place where the examination in public will take place,
- (iii) the date when the examination will start,
- (iv) the name of person appointed by the Secretary of State for the purposes of section 8(2);

(b) where particulars of any of the matters published in accordance with paragraph (a)(ii) to (iv) differ in a material respect from the information in paragraph (g) of the definition of “draft revisions matters” in regulation 2(1) supplied by the RPB in complying with regulation 13(1)—

(i) the Secretary of State must notify—

- (aa) the submission consultees, and
- (bb) any other person who has made representations on the draft revision in accordance with regulation 13(4) and not withdrawn those representations, of those changes;

(ii) the RPB must publish on its website particulars of the matters referred to in paragraph (a) and indicate the material respects in which those particulars differ from the particulars supplied in complying with regulation 13(1); and

(iii) each authority or council to which regulation 13(2) applies must make available for inspection during office hours at their principal office the information provided pursuant to paragraph (ii).

(2) Where the Secretary of State decides that an examination in public is not to be held—

- (a) as soon as reasonably practicable after so deciding the Secretary of State must—
  - (i) notify—
    - (aa) the submission consultees,
    - (bb) any other person who has made representations on the draft revision in accordance with regulation 13(4) and not withdrawn those representations, of that decision;
  - (ii) publish a statement of that decision on his website; and
- (b) the RPB must publish a statement of that decision on its website.

### **Report of examination in public**

**15.**—(1) Where an examination in public has been held pursuant to section 7(3), the Secretary of State must—

- (a) as soon as reasonably practicable after receipt of the report of the person appointed to hold the examination, publish the report on his website;
- (b) publish on his website a statement that the report is available for inspection and of the places and times at which it can be inspected;
- (c) send to any person who requested to be notified of the publication by the Secretary of State of the report a copy of the statement referred to in paragraph (b).

(2) As soon as reasonably practicable after the Secretary of State complies with paragraph (1), the RPB must—

- (a) publish on its website the report of the person appointed to hold the examination;
- (b) make the report available for inspection during office hours at the places at which draft revision documents were made available under regulation 13(1);
- (c) publish on its website a statement that the report is available for inspection and of the places and times it can be inspected.

(3) As soon as reasonably practicable after the Secretary of State complies with paragraph (1), each authority or council to which regulation 13(2) applies must make available for inspection during office hours at their principal office the report of the person appointed to hold the examination.

### **Proposed changes**

**16.**—(1) Where, in accordance with section 9(3), the Secretary of State publishes proposed changes to the draft revision, he must—

- (a) send to the submission consultees, and to any other person who has made representations on the draft revision in accordance with regulation 13(4) and not withdrawn those representations—
  - (i) copies of the proposed changes and a statement of his reasons for proposing them, and
  - (ii) notice of the proposed changes matters; and
- (b) publish on his website—
  - (i) the proposed changes and statement of reasons,
  - (ii) the proposed changes matters, and
  - (iii) a statement that the changes and statement of reasons are available for inspection and of the places and times at which they can be inspected; and

- (c) send to any person who requested to be notified of the publication by the Secretary of State of any proposed changes—
  - (i) a notice of the proposed changes matters, and
  - (ii) a statement that the changes and statement of reasons are available for inspection and of the places and times at which they can be inspected.
- (2) When the Secretary of State has complied with paragraph (1)—
  - (a) the RPB must—
    - (i) make copies of the changes and statement of reasons and the proposed changes matters available for inspection during office hours at the places at which the draft revision documents were made available under regulation 13(1); and
    - (ii) publish on its website—
      - (aa) the proposed changes and statement of reasons,
      - (bb) the proposed changes matters, and
      - (cc) a statement that the proposed changes and statement of reasons are available for inspection in accordance with paragraph (a) and of the places and times at which they can be inspected; and
  - (b) each authority or council to which regulation 13(2) applies must make available for inspection during office hours at their principal office—
    - (i) copies of the proposed changes and statement of reasons, and
    - (ii) the proposed changes matters.
- (3) Representations on the proposed changes must be—
  - (a) made within the period, and
  - (b) sent to the address and , where appropriate, the person , specified pursuant to paragraph (1).
- (4) The period referred to in paragraph (3)(a) must not be less than 8 weeks starting on the day the Secretary of State publishes his proposed changes under section 9(3).
- (5) The Secretary of State is not required to have regard to a representation on a draft revision unless that representation is made in accordance with paragraph (3).

### **Publication of a revision of the regional spatial strategy**

**17.** As soon as reasonably practicable after the Secretary of State publishes a revision of the RSS under section 9(6)—

- (a) the RPB must—
  - (i) make available for inspection at the places at which the draft revision documents were made available under regulation 13(1)—
    - (aa) a publication statement, and
    - (bb) a copy of the revision; and
  - (ii) publish on its website—
    - (aa) the publication statement, and
    - (bb) a statement that a copy of the revision is available for inspection in accordance with paragraph (i), and of the places and times at which the copy can be inspected;
- (b) the Secretary of State must—

- (i) publish on his website—
  - (aa) the documents referred to in paragraph (a)(i),
  - (bb) a statement that a copy of the revision is available for inspection, and of the places and times at which the copy can be inspected; and
- (ii) send a copy of the publication statement to any person who has asked to be notified of the publication of the revision;
- (c) each authority or council to which regulation 13(2) applies must make a copy of the revision available for inspection during office hours at their principal office.

### **Withdrawal of draft revision**

**18.**—(1) As soon as reasonably practicable after a draft revision is withdrawn under section 5(9) (withdrawal by RPB), the RPB must—

- (a) publish on its website a statement that it has withdrawn its draft revision and its reasons for doing so; and
- (b) notify any person with whom it has corresponded (whether in writing or by electronic communications) about the draft revision, of those matters.

(2) As soon as reasonably practicable after a draft revision is withdrawn under section 9(7) (withdrawal by Secretary of State)—

- (a) the RPB must—
  - (i) publish on its website a statement that the Secretary of State has withdrawn the draft revision; and
  - (ii) remove all copies, documents, matters or statements made available or published under regulations 13(1)(a) and (b), 14(1)(b)(ii) and (2)(b) and 16(2)(a), or published under section 5(8)(a);
- (b) each authority or council to which regulation 13(2) applies must remove any copies, document or matters made available under that regulation and regulations 14(1)(b)(iii) and 16(2)(b); and
- (c) the Secretary of State must—
  - (i) publish on his website a statement that he has withdrawn the draft revision,
  - (ii) notify—
    - (aa) the submission consultees, and
    - (bb) any other person who has made representations in accordance with regulation 13(4) or 16(3) and not withdrawn those representations,
 that he has withdrawn the draft revision, and
  - (iii) remove all documents, matters or statements published under regulations 14(1)(a), (2)(a)(ii) and 16(1)(b) or under section 9(3).

## **PART 5**

### **AVAILABILITY OF DOCUMENTS**

#### **Availability of direction made by the Secretary of State under section 10(1)**

**19.** Where the Secretary of State issues a direction under section 10(1), the RPB to which the direction is issued must—

- (a) make that direction available for public inspection at its principal office during office hours, and
- (b) publish that direction on its website.

#### **Availability of other documents: general**

**20.**—(1) This regulation does not apply to a document made available or published under regulation 21.

- (2) Copies, documents, directions, matters, or statements which under these Regulations are—
  - (a) made available for inspection, or
  - (b) published on a website,

may be removed at the end of the period of six weeks referred to in section 113(4) (period for challenging the validity of certain strategies, plans and documents) that applies as regards the strategy, plan or document concerned.

(3) Paragraph (2) does not apply if a challenge is made as mentioned in that paragraph and shall not apply until any challenge proceedings are finally determined.

#### **Availability of the Regional Spatial Strategy**

**21.**—(1) An RPB must—

- (a) make a copy of the RSS for its region available for inspection at its principal office during office hours, and
- (b) publish the RSS on its website.

(2) Where the Secretary of State revokes an RSS in its entirety the RPB for the region concerned must cease to make it available for inspection (whether on its website or at its principal office).

#### **Duty to provide copies of documents**

**22.**—(1) Where—

- (a) a person makes a document available for inspection under these Regulations,
- (b) that document is not published as required by or under Part 1 of the Act, and
- (c) the person is asked by another person for a copy of that document,

the person first mentioned must provide a copy of the document to that other person as soon as reasonably practicable after receipt of that other person's request.

(2) A person who provides a copy—

- (a) under paragraph (1), or
- (b) of a document published as required by or under Part 1 of the Act,

may make a reasonable charge for the copy.

## PART 6

### PREPARATION BY SECRETARY OF STATE OF DRAFT REVISION OF REGIONAL SPATIAL STRATEGY

#### **Preparation of a draft revision by the Secretary of State**

**23.** If the Secretary of State prepares a draft revision under section 10(3), regulations 7, 9 to 11, 13 to 17, 18 (ignoring paragraph (1)) and 20 apply so far as practicable and with any necessary modifications.

Signed by authority of the First Secretary of State

26th August 2004

*Nick Raynsford*  
Minister of State,  
Office of the Deputy Prime Minister

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Part 1 of the Planning and Compulsory Purchase Act 2004 establishes a new system of regional development planning in England. These Regulations make provision for the operation of the regional planning system.

The Regulations set out the criteria for the recognition of a Regional Planning Body (“RPB”) and regulate its preparation of an annual monitoring report and regional participation statement. They prescribe the form and content of a draft revision of a Regional Spatial Strategy (“RSS”) and regulate the procedure to be followed in connection with the preparation of the draft revision. There are also provisions about electronic communications (regulation 3) and the availability of documents (Part 5).

The main steps in the procedure for the preparation of a draft revision are—

consultation with certain bodies prior to the submission of the draft revision to the Secretary of State (regulation 11);

submission to the Secretary of State (regulation 12);

publication of the draft revision and of associated documents, in respect of which representations may be made (regulation 13);

where the Secretary of State decides that an examination in public should be held to consider the draft revision and representations on it, publication of details about the examination (regulation 14);

publication of the report of the person appointed to hold the examination (regulation 15);

publication of any changes the Secretary of State proposes to make to the draft revision, in respect of which representations may be made (regulation 16);

publication of the revised RSS (regulation 17).

There are also provisions about the procedure to be followed if an RSS is withdrawn by an RPB or the Secretary of State (regulation 18) and if the Secretary of State prepares a draft revision (regulation 23).