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STATUTORY INSTRUMENTS

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**2004 No. 2203**

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

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<sup>(1)</sup>;

“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—

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(1) 1995 c. 50.

- (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(2);

“electronic communications apparatus” has the same meaning as in paragraph 1(1) of the electronic communications code(3);

“electronic communications code” has the same meaning as in section 106(1) of the Communications Act 2003(4);

“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,
- (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–

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(2) 2000 c. 7.

(3) 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).

(4) 2003 c. 21.

- (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(5),
- (f) the Historic Buildings and Monuments Commission for England(6),
- (g) English Nature(7),
- (h) the Environment Agency(8),
- (i) the Strategic Rail Authority(9),
- (j) a Regional Development Agency(10) 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(11),

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(5) 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.

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

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

(8) See section 1(1) of the Environment Act 1995 (c. 25).

(9) See section 201 of the Transport Act 2000 (c. 38).

(10) See section 1 of the Regional Development Agencies Act 1998 (c. 45).

(11) See section 1(1) of the National Health Service Reform and Health Care Professions Act 2002 (c. 17).

- (ii) person to whom a licence has been granted under section 6(1)(b) or (c) of the Electricity Act 1989<sup>(12)</sup>,
  - (iii) person to whom a licence has been granted under section 7(2) of the Gas Act 1986<sup>(13)</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
- (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.

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<sup>(12)</sup> 1989 (c. 29); section 6 was substituted by the Utilities Act 2000 (c. 27), section 30.

<sup>(13)</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.