
STATUTORY INSTRUMENTS

2004 No. 2203

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

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).