



# Planning and Compulsory Purchase Act 2004

## 2004 CHAPTER 5

### PART 1

#### REGIONAL FUNCTIONS

##### *RSS revision*

#### **5 RSS: revision**

- (1) The RPB must prepare a draft revision of the RSS—
  - (a) when it appears to it necessary or expedient to do so;
  - (b) at such time as is prescribed;
  - (c) if it is directed to do so under section 10(1).
- (2) But the RPB must give notice to the Secretary of State of its intention to prepare a draft revision under subsection (1)(a).
- (3) In preparing a draft revision the RPB must have regard to—
  - (a) national policies and advice contained in guidance issued by the Secretary of State;
  - (b) the RSS for each adjoining region;
  - (c) the spatial development strategy if any part of its region adjoins Greater London;
  - (d) the Wales Spatial Plan if any part of its region adjoins Wales;
  - (e) the resources likely to be available for implementation of the RSS;
  - (f) the desirability of making different provision in relation to different parts of the region;
  - (g) such other matters as are prescribed.
- (4) In preparing a draft revision the RPB must also—

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*Status: This is the original version (as it was originally enacted).*

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- (a) carry out an appraisal of the sustainability of the proposals in the draft, and
  - (b) prepare a report of the findings of the appraisal.
- (5) If the RPB decides to make different provision for different parts of the region the detailed proposals for such different provision must first be made by an authority which falls within section 4(4).
- (6) But if the RPB and the authority agree, the detailed proposals may first be made—
- (a) by a district council which is not such an authority, or
  - (b) by the RPB.
- (7) The Secretary of State may by regulations make provision as to—
- (a) the subject matter of a draft revision prepared in pursuance of subsection (1) (b);
  - (b) any further documents which must be prepared by the RPB in connection with the preparation of a draft revision;
  - (c) the form and content of any draft, report or other document prepared under this section.
- (8) When the RPB has prepared a draft revision, the report to be prepared under subsection (4)(b) and any other document to be prepared in pursuance of subsection (7) (b) it must—
- (a) publish the draft revision, report and other document;
  - (b) submit them to the Secretary of State.
- (9) But the RPB may withdraw a draft revision at any time before it submits the draft to the Secretary of State under subsection (8)(b).

## **6 RSS: community involvement**

- (1) For the purposes of the exercise of its functions under section 5, the RPB must prepare and publish a statement of its policies as to the involvement of persons who appear to the RPB to have an interest in the exercise of those functions.
- (2) The RPB must keep the policies under review and from time to time must—
- (a) revise the statement;
  - (b) publish the revised statement.
- (3) The RPB must comply with the statement or revised statement (as the case may be) in the exercise of its functions under section 5.
- (4) The documents mentioned in section 5(7)(b) and (c) include the statement and revised statement.

## **7 RSS: Secretary of State's functions**

- (1) This section applies when the Secretary of State receives a draft revision of the RSS.
- (2) Any person may make representations on the draft.
- (3) The Secretary of State may arrange for an examination in public to be held into the draft.

- (4) In deciding whether an examination in public is held the Secretary of State must have regard to—
- (a) the extent of the revisions proposed by the draft;
  - (b) the extent and nature of the consultation on the draft before it was published;
  - (c) the level of interest shown in the draft;
  - (d) such other matters as he thinks appropriate.

## **8 RSS: examination in public**

- (1) This section applies if the Secretary of State decides that an examination in public is to be held of a draft revision of the RSS.
- (2) The examination must be held before a person appointed by the Secretary of State.
- (3) No person has a right to be heard at an examination in public.
- (4) The Secretary of State may, after consultation with the Lord Chancellor, make regulations with respect to the procedure to be followed at an examination in public.
- (5) The person appointed under subsection (2) must make a report of the examination to the Secretary of State.
- (6) The Secretary of State may by regulations make provision as to the procedure to be followed in connection with the recommendations of the person appointed under subsection (2).
- (7) An examination in public—
  - (a) is a statutory inquiry for the purposes of section 1(1)(c) of the Tribunals and Inquiries Act 1992 (c. 53) (report on administrative procedures);
  - (b) is not a statutory inquiry for any other purpose of that Act.

## **9 RSS: further procedure**

- (1) If no examination in public is held the Secretary of State must consider any representations made on the draft revision of the RSS under section 7(2).
- (2) If an examination in public is held the Secretary of State must consider—
  - (a) the report of the person appointed to hold the examination;
  - (b) any representations which are not considered by the person appointed to hold the examination.
- (3) If after proceeding under subsection (1) or (2) the Secretary of State proposes to make any changes to the draft he must publish—
  - (a) the changes he proposes to make;
  - (b) his reasons for doing so.
- (4) Any person may make representations on the proposed changes.
- (5) The Secretary of State must consider any such representations.
- (6) The Secretary of State must then publish—
  - (a) the revision of the RSS incorporating such changes as he thinks fit;
  - (b) his reasons for making the changes.

- (7) But the Secretary of State may withdraw a draft revision of an RSS at any time before he publishes the revision of the RSS under subsection (6).

## **10 Secretary of State: additional powers**

- (1) If the Secretary of State thinks it is necessary or expedient to do so he may direct an RPB to prepare a draft revision of the RSS.
- (2) Such a direction may require the RPB to prepare the draft revision—
- (a) in relation to such aspects of the RSS as are specified;
  - (b) in accordance with such timetable as is specified.
- (3) The Secretary of State may prepare a draft revision of the RSS if the RPB fails to comply with—
- (a) a direction under subsection (1),
  - (b) section 5(1)(b), or
  - (c) regulations under section 5(7) or 11.
- (4) If the Secretary of State prepares a draft revision under subsection (3)—
- (a) section 7 applies as it does if the Secretary of State receives a draft revision from the RPB, and
  - (b) sections 8 and 9 apply.
- (5) If the Secretary of State thinks it necessary or expedient to do so he may at any time revoke—
- (a) an RSS;
  - (b) such parts of an RSS as he thinks appropriate.
- (6) The Secretary of State may by regulations make provision as to the procedure to be followed for the purposes of subsection (3).
- (7) Subsection (8) applies if—
- (a) any step has been taken in connection with the preparation of any part of regional planning guidance, and
  - (b) the Secretary of State thinks that the step corresponds to a step which must be taken under this Part in connection with the preparation and publication of a revision of the RSS.
- (8) The Secretary of State may by order provide for the part of the regional planning guidance to have effect as a revision of the RSS.