



Planning and Compulsory Purchase Act 2004

2004 CHAPTER 5

PART 1

REGIONAL FUNCTIONS

Spatial strategy

1 Regional Spatial Strategy

- (1) For each region there is to be a regional spatial strategy (in this Part referred to as the “RSS”).
- (2) The RSS must set out the Secretary of State’s policies (however expressed) in relation to the development and use of land within the region.
- (3) In subsection (2) the references to a region include references to any area within a region which includes the area or part of the area of more than one local planning authority.
- (4) If to any extent a policy set out in the RSS conflicts with any other statement or information in the RSS the conflict must be resolved in favour of the policy.
- (5) With effect from the appointed day the RSS for a region is so much of the regional planning guidance relating to the region as the Secretary of State prescribes.
- (6) The appointed day is the day appointed for the commencement of this section.

Planning bodies

2 Regional planning bodies

- (1) The Secretary of State may give a direction recognising a body to which subsection (2) applies as the regional planning body for a region (in this Part referred to as the “RPB”).
- (2) This subsection applies to a body (whether or not incorporated) which satisfies such criteria as are prescribed.
- (3) The Secretary of State must not give a direction under subsection (1) in relation to a body unless not less than 60% of the persons who are members of the body fall within subsection (4).
- (4) A person falls within this subsection if he is a member of any of the following councils or authorities and any part of the area of the council or authority (as the case may be) falls within the region to which the direction (if given) will relate—
 - (a) a district council;
 - (b) a county council;
 - (c) a metropolitan district council;
 - (d) a National Park authority;
 - (e) the Broads authority.
- (5) The Secretary of State may give a direction withdrawing recognition of a body.
- (6) Subsection (7) applies if the Secretary of State—
 - (a) does not give a direction under subsection (1) recognising a body, or
 - (b) gives a direction under subsection (5) withdrawing recognition of a body and does not give a direction under subsection (1) recognising any other body.
- (7) In such a case the Secretary of State may exercise such of the functions of the RPB as he thinks appropriate.
- (8) A change in the membership of a body which is not incorporated does not (by itself) affect the validity of the recognition of the body.

3 RPB: general functions

- (1) The RPB must keep under review the RSS.
- (2) The RPB must keep under review the matters which may be expected to affect—
 - (a) development in its region or any part of the region;
 - (b) the planning of that development.
- (3) The RPB must—
 - (a) monitor the implementation of the RSS throughout the region;
 - (b) consider whether the implementation is achieving the purposes of the RSS.
- (4) The RPB must for each year prepare a report on the implementation of the RSS in the region.
- (5) The report—
 - (a) must be in respect of such period of 12 months as is prescribed;

- (b) must be in such form and contain such information as is prescribed;
 - (c) must be submitted to the Secretary of State on such date as is prescribed.
- (6) The RPB must give advice to any other body or person if it thinks that to do so will help to achieve implementation of the RSS.

4 Assistance from certain local authorities

- (1) For the purpose of the exercise of its functions under sections 3(1) and (3)(a) and 5(1) the RPB must seek the advice of each authority in its region which is an authority falling within subsection (4).
- (2) The authority must give the RPB advice as to the exercise of the function to the extent that the exercise of the function is capable of affecting (directly or indirectly) the exercise by the authority of any function it has.
- (3) The advice mentioned in subsection (1) includes advice relating to the inclusion in the RSS of specific policies relating to any part of the region.
- (4) Each of the following authorities fall within this subsection if their area or any part of their area is in the RPB's region—
- (a) a county council;
 - (b) a metropolitan district council;
 - (c) a district council for an area for which there is no county council;
 - (d) a National Park authority.
- (5) The RPB may make arrangements with an authority falling within subsection (4) or with any district council the whole or part of whose area is in the region for the discharge by the authority or council of a function of the RPB.
- (6) The RPB may reimburse an authority or council which exercises functions by virtue of such arrangements for any expenditure incurred by the authority or council in doing so.
- (7) Subsection (5) does not apply to a function of the RPB under section 5(8).
- (8) Any arrangements made for the purposes of subsection (5) must be taken to be arrangements between local authorities for the purposes of section 101 of the Local Government Act 1972 (c. 70).
- (9) Nothing in this section affects any power which a body which is recognised as an RPB has apart from this section.

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).

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- (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—
- (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;

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- (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.

Supplementary

11 Regulations

- (1) The Secretary of State may by regulations make provision in connection with the exercise by any person of functions under this Part.
- (2) The regulations may in particular make provision as to—
- (a) the procedure to be followed for the purposes of section 5;
 - (b) the procedure to be followed by the RPB in connection with its functions under section 6;
 - (c) requirements about the giving of notice and publicity;
 - (d) requirements about inspection by the public of a draft revision or any other document;
 - (e) the nature and extent of consultation with and participation by the public in anything done under this Part;
 - (f) the making of representations about any matter to be included in an RSS;
 - (g) consideration of any such representations;
 - (h) the remuneration and allowances payable to a person appointed to carry out an examination in public under section 8;
 - (i) the determination of the time at which anything must be done for the purposes of this Part;
 - (j) the manner of publication of any draft, report or other document published under this Part;
 - (k) monitoring the exercise by RPBs of their functions under this Part;
 - (l) the making of reasonable charges for the provision of copies of documents required by or under this Part.

12 Supplementary

- (1) A region is a region (except London) specified in Schedule 1 to the Regional Development Agencies Act 1998 (c. 45).
- (2) But the Secretary of State may by order direct that if the area of a National Park falls within more than one region it is treated as falling wholly within such region as is specified in the order.
- (3) Regional planning guidance for a region is a document issued by the Secretary of State setting out his policies (however expressed) in relation to the development and use of land within the region.
- (4) The Secretary of State is the Secretary of State for the time being having general responsibility for policy in relation to the development and use of land.
- (5) Subsection (4) does not apply for the purposes of section 5(3)(a).
- (6) References to a revision or draft revision of an RSS include references to a revision or draft revision—

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- (a) of any part of an RSS;
- (b) of the RSS as it relates to any part of a region.

(7) This section has effect for the purposes of this Part.