



Local Democracy, Economic Development and Construction Act 2009

2009 CHAPTER 20

PART 5

REGIONAL STRATEGY

Revisions of regional strategy

74 Review and revision by responsible regional authorities

- (1) The responsible regional authorities must keep the regional strategy for their region under review.
- (2) The responsible regional authorities may prepare a draft revision of the regional strategy for their region when it appears to them necessary or expedient to do so.
- (3) The responsible regional authorities must give notice to the Secretary of State of their intention to prepare a draft revision under this section.
- (4) The responsible regional authorities must prepare a draft revision of the regional strategy for their region—
 - (a) at such time as may be specified in regulations made by the Secretary of State, or
 - (b) when directed to do so by the Secretary of State.
- (5) A direction under subsection (4)(b) may in particular require a draft revision of a regional strategy—
 - (a) in relation to aspects of the strategy specified in the direction;
 - (b) in accordance with a timetable so specified.

Status: Point in time view as at 01/04/2010.

Changes to legislation: There are currently no known outstanding effects for the Local Democracy, Economic Development and Construction Act 2009, Cross Heading: Revisions of regional strategy. (See end of Document for details)

Commencement Information

II S. 74 in force at 1.4.2010 by S.I. 2009/3318, art. 4(s)

75 Community involvement

- (1) For the purposes of the exercise of their functions in relation to the revision of the regional strategy for their region, the responsible regional authorities must prepare and publish a statement of their policies as to the involvement of persons who appear to them to have an interest in the exercise of those functions.
- (2) The responsible regional authorities must keep those policies under review and from time to time—
 - (a) revise the statement, and
 - (b) publish the revised statement.
- (3) The responsible regional authorities must comply with the statement or revised statement in the exercise of the functions referred to in subsection (1).

Commencement Information

I2 S. 75 in force at 1.4.2010 by S.I. 2009/3318, art. 4(t)

76 Examination in public

- (1) The responsible regional authorities may when preparing a draft revision of their regional strategy arrange for an examination in public to be held.
- (2) In deciding whether or not to arrange for an examination in public to be held the responsible regional authorities must have regard to—
 - (a) the extent of the revisions proposed by the draft revision,
 - (b) the level of interest shown in the draft revision, and
 - (c) such other matters as the responsible regional authorities consider appropriate.
- (3) The responsible regional authorities must inform the Secretary of State of their decision under subsection (2).
- (4) If the responsible regional authorities decide to arrange for an examination in public to be held, the Secretary of State must appoint a person to hold it.
- (5) If the responsible regional authorities decide not to arrange for an examination in public to be held, the Secretary of State may—
 - (a) arrange for such an examination to be held, and
 - (b) appoint a person to hold it.
- (6) In deciding pursuant to subsection (5) whether or not to arrange for an examination in public to be held the Secretary of State must have regard to—
 - (a) the extent of the revisions proposed by the draft revision,
 - (b) the level of interest shown in the draft revision, and
 - (c) such other matters as the Secretary of State considers appropriate.

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- (7) No person has a right to be heard at an examination in public under this section.
- (8) An examination in public under this section—
- (a) is a statutory inquiry for the purposes of Schedule 7 to the Tribunals, Courts and Enforcement Act 2007 (c. 15) (Administrative Justice and Tribunals Council), but
 - (b) is not a statutory inquiry for the purposes of the Tribunals and Inquiries Act 1992 (c. 53).
- (9) After an examination in public under this section the person appointed to hold it must—
- (a) make a report of the examination to the responsible regional authorities, and
 - (b) send a copy to the Secretary of State.

Commencement Information

I3 S. 76 in force at 1.4.2010 by S.I. 2009/3318, art. 4(u)

77 Matters to be taken into account in revision

- (1) In preparing a draft revision of the regional strategy for their region, the responsible regional authorities must have regard to—
- (a) national policies and advice contained in guidance which has been given by the Secretary of State;
 - (b) the regional strategy for each adjoining region (other than London);
 - (c) if any part of their region adjoins London—
 - (i) the spatial development strategy; and
 - (ii) the London Development Agency strategy under section 7A of the Regional Development Agencies Act 1998 (c. 45);
 - (d) if any part of their region adjoins Scotland, the National Planning Framework for Scotland;
 - (e) if any part of their region adjoins Wales, the Wales Spatial Plan;
 - (f) the resources likely to be available for implementation of the regional strategy;
 - (g) the desirability of making different provision in relation to different parts of the region;
 - (h) any report pursuant to an examination in public under section 76;
 - (i) any representations made to them in respect of the draft which were not considered at an examination in public under that section;
 - (j) such other matters as the Secretary of State may by regulations prescribe.
- (2) In preparing a draft revision of a regional strategy for their region the responsible regional authorities must—
- (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.

Commencement Information

I4 S. 77 in force at 1.4.2010 by S.I. 2009/3318, art. 4(v)

Status: Point in time view as at 01/04/2010.

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78 Approval of revision by Secretary of State

- (1) When the responsible regional authorities have prepared a draft revision of a regional strategy, they must—
 - (a) publish it, together with the report referred to in section 77(2)(b), and
 - (b) submit it and that report to the Secretary of State.
- (2) Where a draft revision of a regional strategy is submitted under subsection (1)(b) the Secretary of State may—
 - (a) approve the draft, or
 - (b) modify it and approve it as modified.
- (3) The Secretary of State must consult such persons (if any) as the Secretary of State considers appropriate—
 - (a) before approving the draft under subsection (2)(a);
 - (b) before modifying the draft and approving it as modified under subsection (2)(b).
- (4) In deciding whether to make any modifications to the draft the Secretary of State must have regard to—
 - (a) any report pursuant to an examination in public under section 76,
 - (b) any representations made to the responsible regional authorities in respect of the draft which were not considered at an examination in public under that section, and
 - (c) any representations made to the Secretary of State.
- (5) The responsible regional authorities must publish any revision approved under this section.

Commencement Information

I5 S. 78 in force at 1.4.2010 by S.I. 2009/3318, art. 4(w)

79 Reserve powers of Secretary of State

- (1) The Secretary of State may revise a regional strategy if the responsible regional authorities fail to comply with—
 - (a) the requirement under section 74(4)(a), or
 - (b) a direction under section 74(4)(b).
- (2) Before revising a regional strategy under subsection (1) the Secretary of State—
 - (a) may arrange for an examination in public to be held and appoint a person to hold it;
 - (b) must consult such persons (if any) as the Secretary of State considers appropriate.
- (3) Subsections (6) to (9) of section 76 apply in relation to an examination in public under this section.
- (4) In deciding whether to revise a regional strategy under subsection (1) the Secretary of State must have regard to—
 - (a) any report pursuant to an examination in public under subsection (2)(a), and

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- (b) any representations made to the Secretary of State in respect of the draft which were not considered at such an examination in public.
- (5) The Secretary of State must publish a strategy as revised under subsection (1).
- (6) If the Secretary of State thinks it necessary or expedient to do so the Secretary of State may at any time revoke all or any part of a regional strategy.

Commencement Information

16 S. 79 in force at 1.4.2010 by S.I. 2009/3318, art. 4(x)

80 Revision: supplementary

- (1) The Secretary of State may make regulations (subject to the requirements of this Part) as to—
 - (a) the procedure to be followed by the responsible regional authorities in relation to revision of their regional strategy;
 - (b) the procedure to be followed at an examination in public under this Part;
 - (c) the remuneration and allowances payable to a person appointed to carry out an examination in public under this Part;
 - (d) the procedure to be followed by the Secretary of State in exercising functions under section 78 or 79.
- (2) The Secretary of State may direct that where—
 - (a) before the day on which this section comes into force any step is taken in connection with the preparation of a revision of the regional spatial strategy or regional economic strategy for a region, and
 - (b) the Secretary of State thinks that the step corresponds to a step which must or may be taken under this Part in connection with the revision of the regional strategy for the region,the step is to be regarded as having been taken under this Part in connection with the revision of the regional strategy.

Commencement Information

17 S. 80 in force at 1.4.2010 by S.I. 2009/3318, art. 4(y)

Status:

Point in time view as at 01/04/2010.

Changes to legislation:

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