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STATUTORY INSTRUMENTS

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**2012 No. 767**

**The Town and Country Planning (Local  
Planning) (England) Regulations 2012**

**PART 6**

Local plans

**Application and interpretation of Part 6**

**17.** In this Part—

“adoption statement” means a statement specifying—

- (a) the date on which a local plan was adopted,
- (b) if applicable, any modifications made pursuant to section 23(2) or (3) of the Act,
- (c) that any person aggrieved by the local plan may make an application to the High Court under section 113 of the Act, and
- (d) the grounds on which, and the period within which, an application may be made;

“decision statement” means—

- (a) a statement that the Secretary of State has decided under section 21(9) of the Act to approve, approve subject to specified modifications or reject, a local plan or part of it, and
- (b) where the Secretary of State decides to approve or approve subject to specified modifications, the local plan or part of it, a statement specifying—
  - (i) the date on which it was approved,
  - (ii) if applicable, any modifications specified in the approval,
  - (iii) that any person aggrieved by it may make an application to the High Court under section 113 of the Act, and
  - (iv) the grounds on which, and the period within which, an application may be made;

“proposed submission documents” means the following documents—

- (a) the local plan which the local planning authority propose to submit to the Secretary of State,
- (b) if the adoption of the local plan would result in changes to the adopted policies map, a submission policies map,
- (c) the sustainability appraisal report of the local plan,
- (d) a statement setting out—
  - (i) which bodies and persons were invited to make representations under regulation 18,
  - (ii) how those bodies and persons were invited to make such representations,
  - (iii) a summary of the main issues raised by those representations, and
  - (iv) how those main issues have been addressed in the local plan, and

- (e) such supporting documents as in the opinion of the local planning authority are relevant to the preparation of the local plan; and
- “statement of the representations procedure” means a statement specifying—
- (a) the title of the local plan which the local planning authority propose to submit to the Secretary of State;
  - (b) the subject matter of, and the area covered by, the local plan;
  - (c) the date by which representations about the local plan must be received by the local planning authority, which must be not less than 6 weeks from the day on which the statement is published;
  - (d) the address to which representations about the local plan must be made;
  - (e) that representations may be made in writing or by way of electronic communications; and
  - (f) that representations may be accompanied by a request to be notified at a specified address of any of the following—
    - (i) the submission of the local plan for independent examination under section 20 of the Act,
    - (ii) the publication of the recommendations of the person appointed to carry out an independent examination of the local plan under section 20 of the Act, and
    - (iii) the adoption of the local plan.

### **Preparation of a local plan**

- 18.**—(1) A local planning authority must—
- (a) notify each of the bodies or persons specified in paragraph (2) of the subject of a local plan which the local planning authority propose to prepare, and
  - (b) invite each of them to make representations to the local planning authority about what a local plan with that subject ought to contain.
- (2) The bodies or persons referred to in paragraph (1) are—
- (a) such of the specific consultation bodies as the local planning authority consider may have an interest in the subject of the proposed local plan;
  - (b) such of the general consultation bodies as the local planning authority consider appropriate; and
  - (c) such residents or other persons carrying on business in the local planning authority's area from which the local planning authority consider it appropriate to invite representations.
- (3) In preparing the local plan, the local planning authority must take into account any representation made to them in response to invitations under paragraph (1).

### **Publication of a local plan**

- 19.** Before submitting a local plan to the Secretary of State under section 20 of the Act, the local planning authority must—
- (a) make a copy of each of the proposed submission documents and a statement of the representations procedure available in accordance with regulation 35, and
  - (b) ensure that a statement of the representations procedure and a statement of the fact that the proposed submission documents are available for inspection and of the places and times at which they can be inspected, is sent to each of the general consultation bodies and each of the specific consultation bodies invited to make representations under regulation 18(1).

### **Representations relating to a local plan**

**20.**—(1) Any person may make representations to a local planning authority about a local plan which the local planning authority propose to submit to the Secretary of State.

(2) Any such representations must be received by the local planning authority by the date specified in the statement of the representations procedure.

(3) Nothing in this regulation applies to representations taken to have been made as mentioned in section 24(7) of the Act.

### **Conformity with the London Plan**

**21.**—(1) A local planning authority which are a London borough council must make a request under section 24(4)(a) of the Act on the day they comply with regulation 19(a).

(2) Where a request is made under section 24(4)(a) of the Act, the Mayor must send the opinion sought to the Secretary of State and the local planning authority within 6 weeks from the day on which the request is made.

### **Submission of documents and information to the Secretary of State**

**22.**—(1) The documents prescribed for the purposes of section 20(3) of the Act are—

- (a) the sustainability appraisal report;
- (b) a submission policies map if the adoption of the local plan would result in changes to the adopted policies map;
- (c) a statement setting out—
  - (i) which bodies and persons the local planning authority invited to make representations under regulation 18,
  - (ii) how those bodies and persons were invited to make representations under regulation 18,
  - (iii) a summary of the main issues raised by the representations made pursuant to regulation 18,
  - (iv) how any representations made pursuant to regulation 18 have been taken into account;
  - (v) if representations were made pursuant to regulation 20, the number of representations made and a summary of the main issues raised in those representations; and
  - (vi) if no representations were made in regulation 20, that no such representations were made;
- (d) copies of any representations made in accordance with regulation 20; and
- (e) such supporting documents as in the opinion of the local planning authority are relevant to the preparation of the local plan.

<sup>F1</sup>(2) .....

(3) As soon as reasonably practicable after a local planning authority submit a local plan to the Secretary of State they must—

- (a) make available in accordance with regulation 35—
  - (i) a copy of the local plan;
  - (ii) a copy of each of the documents referred to in paragraph (1)(a), (b) and (c);
  - (iii) any of the documents referred to in paragraph (1)(d) or (e) which it is practicable to so make available, and

- (iv) a statement of the fact that the documents referred to in sub-paragraphs (i) to (iii) are available for inspection and of the places and times at which they can be inspected;
- (b) send to each of the general consultation bodies and each of the specific consultation bodies which were invited to make representations under regulation 18(1), notification that the documents referred to in paragraphs (a)(i) to (iii) are available for inspection and of the places and times at which they can be inspected; and
- (c) give notice to those persons who requested to be notified of the submission of the local plan to the Secretary of State that it has been so submitted.

#### Textual Amendments

- F1** Reg. 22(2) omitted (15.1.2018) by virtue of [The Town and Country Planning \(Local Planning\) \(England\) \(Amendment\) Regulations 2017 \(S.I. 2017/1244\)](#), regs. 1(2), 5

#### Consideration of representations by appointed person

**23.** Before the person appointed to carry out the independent examination under section 20 of the Act makes a recommendation under section 20(7), (7A) or (7C) <sup>M1</sup> of the Act the person must consider any representations made in accordance with regulation 20.

#### Marginal Citations

- M1** [Sections 20\(7A\)](#) and (7C) were inserted into the 2004 Act by section 112 of the [Localism Act 2011 \(c.20\)](#).

#### Independent examination

**24.—**(1) At least 6 weeks before the opening of a hearing held for the purpose of giving persons the opportunity to appear before and be heard by the person appointed to carry out the independent examination under section 20 of the Act, the local planning authority must—

- (a) make the matters mentioned in paragraph (2) available in accordance with regulation 35; and
  - (b) notify any person who has made a representation in accordance with regulation 20 and not withdrawn that representation, of those matters.
- (2) The matters referred to in paragraph (1) are—
- (a) the date, time and place at which the hearing is to be held, and
  - (b) the name of the person appointed to carry out the independent examination.

#### Publication of the recommendations of the appointed person

**25.—**(1) The local planning authority must comply with section 20(8) of the Act—

- (a) as soon as reasonably practicable after receipt of the report of the person appointed to carry out the independent examination under section 20 of the Act, or
- (b) if the Secretary of State gives a direction under section 21(1) or (4) of the Act after the person appointed to carry out the independent examination has made a recommendation under section 20(7), (7A) or (7C) of the Act, as soon as reasonably practicable after receipt of the direction.

(2) When the local planning authority comply with section 20(8) of the Act they must—

- (a) make the recommendations of the person appointed and the reasons given by that person for those recommendations available in accordance with regulation 35; and
- (b) give notice, to those persons who requested to be notified of the publication of those recommendations, that the recommendations are available.

### **Adoption of a local plan**

**26.** As soon as reasonably practicable after the local planning authority adopt a local plan they must—

- (a) make available in accordance with regulation 35—
  - (i) the local plan;
  - (ii) an adoption statement;
  - (iii) the sustainability appraisal report; and
  - (iv) details of where the local plan is available for inspection and the places and times at which the document can be inspected;
- (b) send a copy of the adoption statement to any person who has asked to be notified of the adoption of the local plan; and
- (c) send a copy of the adoption statement to the Secretary of State.

### **Withdrawal of a local plan**

**27.** Where a local planning authority withdraw a local plan pursuant to section 22(1) of the Act, the local planning authority must as soon as reasonably practicable after withdrawing it—

- (a) make available a statement of that fact in accordance with regulation 35;
- (b) send, to each of the bodies notified under regulation 22(3)(b), notification that the local plan has been withdrawn; and
- (c) cease to make any documents relating to the withdrawn local plan (other than the statement mentioned in sub-paragraph (a)) available in accordance with regulation 35.

### **Revocation of a local plan**

**28.** Where a local plan is revoked under section 25 of the Act, the local planning authority must as soon as reasonably practicable after revoking it—

- (a) make available a statement of that fact in accordance with regulation 35;
- (b) cease to make any documents relating to the revoked local plan (other than the statement mentioned in sub-paragraph (a)) available in accordance with regulation 35; and
- (c) take such other steps as they consider necessary to draw the revocation of the local plan to the attention of persons living or working in their area.

### **Direction in respect of a local plan**

**[<sup>F2</sup>29.—**(1) Where the Secretary of State gives a direction under section 21(1), 21A(1) or 27(2) (b), (3)(b), (4)(b) or (5)(b) of the Act in respect of a local plan, or withdraws such a direction, the local planning authority must make—

- (a) a copy of the direction or a statement that the Secretary of State has withdrawn the direction (as the case may be); and
- (b) the local plan,

available in accordance with regulation 35.

(2) Where the Secretary of State gives a direction under paragraph 8(2)(a), 8(5), 8(7) or 13(1) of Schedule A1 to the Act in respect of a local plan, the Mayor of London<sup>F3</sup>, the combined authority or the upper-tier county council] (as the case may be), as soon as is reasonably practicable after receiving the direction, must provide a copy of the direction to the local planning authority concerned.

(3) Where a local planning authority receive a copy of a direction under paragraph (2), as soon as is reasonably practicable after receiving the direction, the authority must—

- (a) make a copy of the direction and the local plan available in accordance with regulation 35; and
- (b) at the same time as the authority comply with regulation 26, make—
  - (i) the local plan; and
  - (ii) a statement that the Secretary of State has withdrawn the direction, or a copy of the Secretary of State’s notice under paragraph 8(3)(b) of Schedule A1 to the Act, available in accordance with regulation 35.

(4) Where—

- (a) the Mayor of London gives a direction under paragraph 2(4)(b) of Schedule A1 to the Act in respect of a local plan; <sup>F4</sup>...
- (b) a combined authority gives a direction under paragraph 6(4)(b) of Schedule A1 to the Act in respect of a local plan<sup>F5</sup>... [<sup>F6</sup>; or]
- <sup>F7</sup>(c) the upper-tier county council gives a direction under paragraph 7C(4)(b) of Schedule A1 to the Act in respect of a local plan,]

the local planning authority must make a copy of the direction and the local plan available in accordance with regulation 35.]

#### Textual Amendments

- F2** Reg. 29 substituted (1.10.2016) by [The Town and Country Planning \(Local Planning\) \(England\) \(Amendment\) Regulations 2016 \(S.I. 2016/871\)](#), regs. 1(2), **5**
- F3** Words in reg. 29(2) substituted (15.1.2018) by [The Town and Country Planning \(Local Planning\) \(England\) \(Amendment\) Regulations 2017 \(S.I. 2017/1244\)](#), regs. 1(2), **6(2)**
- F4** Word in reg. 29(4)(a) omitted (15.1.2018) by virtue of [The Town and Country Planning \(Local Planning\) \(England\) \(Amendment\) Regulations 2017 \(S.I. 2017/1244\)](#), regs. 1(2), **6(3)(a)**
- F5** Reg. 29(4)(b): comma omitted (15.1.2018) by virtue of [The Town and Country Planning \(Local Planning\) \(England\) \(Amendment\) Regulations 2017 \(S.I. 2017/1244\)](#), regs. 1(2), **6(3)(b)**
- F6** Word in reg. 29(4)(b) inserted (15.1.2018) by [The Town and Country Planning \(Local Planning\) \(England\) \(Amendment\) Regulations 2017 \(S.I. 2017/1244\)](#), regs. 1(2), **6(3)(b)**
- F7** Reg. 29(4)(c) inserted (15.1.2018) by [The Town and Country Planning \(Local Planning\) \(England\) \(Amendment\) Regulations 2017 \(S.I. 2017/1244\)](#), regs. 1(2), **6(3)(c)**

#### Call-in

**30.** The provisions in Schedule 1 apply where the Secretary of State gives a direction under section 21(4) of<sup>F8</sup>, or paragraph 8(5) of Schedule A1 to,] the Act.

#### Textual Amendments

- F8** Words in [reg. 30](#) inserted (1.10.2016) by [The Town and Country Planning \(Local Planning\) \(England\) \(Amendment\) Regulations 2016 \(S.I. 2016/871\)](#), regs. 1(2), [6](#)

#### Secretary of State's default power

- 31.** The provisions of Schedule 2 apply where<sup>F9</sup>—
- (a) the Secretary of State prepares a local plan under section 27 of the Act;
  - <sup>F10</sup>(b) the Mayor of London prepares a local plan under paragraph 1 of Schedule A1 to the Act;  
<sup>F11</sup> ...
  - (c) a combined authority prepares a local plan under paragraph 5 of Schedule A1 to the Act<sup>F12</sup> ...<sup>F13</sup>; or]]
  - <sup>F14</sup>(d) an upper-tier county council prepares a local plan under paragraph 7B of Schedule A1 to the Act.]

#### Textual Amendments

- F9** Words in [reg. 31](#) renumbered as [reg. 31\(a\)](#) (1.10.2016) by [The Town and Country Planning \(Local Planning\) \(England\) \(Amendment\) Regulations 2016 \(S.I. 2016/871\)](#), regs. 1(2), [7\(a\)](#)
- F10** [Reg. 31\(b\)\(c\)](#) inserted (1.10.2016) by [The Town and Country Planning \(Local Planning\) \(England\) \(Amendment\) Regulations 2016 \(S.I. 2016/871\)](#), regs. 1(2), [7\(b\)](#)
- F11** Word in [reg. 31\(b\)](#) omitted (15.1.2018) by virtue of [The Town and Country Planning \(Local Planning\) \(England\) \(Amendment\) Regulations 2017 \(S.I. 2017/1244\)](#), regs. 1(2), [7\(a\)](#)
- F12** [Reg. 31\(c\)](#): full stop omitted (15.1.2018) by virtue of [The Town and Country Planning \(Local Planning\) \(England\) \(Amendment\) Regulations 2017 \(S.I. 2017/1244\)](#), regs. 1(2), [7\(b\)](#)
- F13** Word in [reg. 31\(c\)](#) inserted (15.1.2018) by [The Town and Country Planning \(Local Planning\) \(England\) \(Amendment\) Regulations 2017 \(S.I. 2017/1244\)](#), regs. 1(2), [7\(b\)](#)
- F14** [Reg. 31\(d\)](#) inserted (15.1.2018) by [The Town and Country Planning \(Local Planning\) \(England\) \(Amendment\) Regulations 2017 \(S.I. 2017/1244\)](#), regs. 1(2), [7\(c\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Town and Country Planning (Local Planning) (England) Regulations 2012, PART 6.