
STATUTORY INSTRUMENTS

2004 No. 2204

TOWN AND COUNTRY PLANNING, ENGLAND

The Town and Country Planning (Local
Development) (England) Regulations 2004

Made - - - - 26th August 2004
Laid before Parliament 7th September 2004
Coming into force - - 28th September 2004

The First Secretary of State, in exercise of the powers conferred upon him by sections 13(2)(f), 14(3) and (5), 15(2)(g), (3) and (7), 17(1)(a) and (7), 19(2)(j), 20(3), 24(3), 28(9) and (11), 31(6) and (7), 35(2) and (3) and 36 of the Planning and Compulsory Purchase Act 2004^{M1} and paragraph 4(2) of Schedule 4A to the Town and Country Planning Act 1990^{M2} and of all other powers enabling him in that behalf, hereby makes the following Regulations:

Marginal Citations

- M1** 2004 c. 5. As to powers to prescribe, *see* section 122(1).
M2 1990 c. 8. Schedule 4A was inserted by Schedule 1 to the Planning and Compulsory Purchase Act 2004.

PART 1
GENERAL

Citation, commencement and application

- 1.—(1) These Regulations may be cited as the Town and Country Planning (Local Development) (England) Regulations 2004 and shall come into force on 28th September 2004.
(2) These Regulations apply in relation to England only.

Interpretation

- 2.—(1) In these Regulations—
“the Act” means the Planning and Compulsory Purchase Act 2004;
“DPD” means development plan document;

Status: Point in time view as at 27/06/2008.

Changes to legislation: There are currently no known outstanding effects for the The Town and Country Planning (Local Development) (England) Regulations 2004 (revoked). (See end of Document for details)

“LDD” means local development document;

“SPD” means supplementary planning document;

“address” in relation to electronic communications means any number or address used for the purposes of such communications;

“adopted proposals map” means a document of the description referred to in regulation 6(6);

[^{F1}“area action plan” means a document of the description referred to in regulation 6(4);]

“by local advertisement” means by publication on at least one occasion in a local newspaper circulating in the whole of the area of the local planning authority;

“core strategy” means a document of the description referred to in regulation 6(3);

“disabled person” has the same meaning as in section 1(2) of the Disability Discrimination Act 1995 ^{M3};

“electronic communication” has the same meaning as in section 15(1) of the Electronic Communications Act 2000 ^{M4};

“electronic communications apparatus” has the same meaning as in paragraph 1(1) of the electronic communications code ^{M5};

“electronic communications code” has the same meaning as in section 106(1) of the Communications Act 2003 ^{M6};

“general consultation bodies” means the following bodies—

- (a) voluntary bodies some or all of whose activities benefit any part of the authority’s area,
- (b) bodies which represent the interests of different racial, ethnic or national groups in the authority’s area,
- (c) bodies which represent the interests of different religious groups in the authority’s area,
- (d) bodies which represent the interests of disabled persons in the authority’s area,
- (e) bodies which represent the interests of persons carrying on business in the authority’s area;

“inspection” means inspection by the public;

“national waste strategy” means any statement which contains the Secretary of State’s policies in relation to the recovery and disposal of waste in England, and which is made under section 44A of the Environmental Protection Act 1990 ^{M7}, or pending the publication of the first such statement, any relevant waste disposal plan prepared under section 50 of that Act ^{M8};

“Ordnance Survey map” means a map produced by Ordnance Survey or a map on a similar base at a registered scale;

“person appointed” means a person appointed by the Secretary of State under section 20(4) to carry out an independent examination;

[^{F2}“police authority” means—

- (a) any police authority established under section 3 of the Police Act 1996;
- (b) the Metropolitan Police Authority;]

“regional planning body” is a body that meets the requirements of section 2;

“relevant authority” means—

- (a) a local planning authority,
- (b) a county council referred to in section 16(1),
- (c) a parish council;

(d) [^{F3}a police authority;]

“site allocation policy” means a policy which allocates a site for a particular use or development;

“specific consultation bodies”—

(a) in relation to a local planning authority whose area is in a region other than London, means the regional planning body and the bodies specified or described in sub-paragraphs (i) to (x);

(i) [^{F4}the Coal Authority],

(ii) the Environment Agency ^{M9},

(iii) the Historic Buildings and Monuments Commission for England ^{M10},

(iv) [^{F5}Natural England],

(v) [^{F6}the Secretary of State for Transport],

(vi) ^{F7}.....

(vii) a relevant authority any part of whose area is in or adjoins the area of the local planning authority,

(viii) a Regional Development Agency ^{M11} whose area is in or adjoins the area of the local planning authority,

(ix) any person—

(aa) to whom the electronic communications code applies by virtue of a direction given under section 106(3)(a) of the Communications Act 2003, and

(bb) who owns or controls electronic communications apparatus situated in any part of the area of the local planning authority,

(x) if it exercises functions in any part of the local planning authority’s area

(aa) [^{F8}a Primary Care Trust],

(bb) a person to whom a licence has been granted under section 6(1)(b) or (c) of the Electricity Act 1989 ^{M12},

(cc) a person to whom a licence has been granted under section 7(2) of the Gas Act 1986 ^{M13},

(dd) a sewerage undertaker,

(ee) a water undertaker;

(b) if the authority are a London borough council, means the Mayor of London and the bodies specified or described in paragraph (a)(i) to (x);

“submission proposals map” means a document of the description referred to in regulation 6(5);

“sustainability appraisal report” means the report prepared pursuant to section 19(5)(b) ^{M14}; and

“supplementary planning document” means an LDD which is not a DPD, but does not include the local planning authority’s statement of community involvement.

(2) In these Regulations any reference to a section is a reference to a section of the Act unless otherwise stated.

Status: Point in time view as at 27/06/2008.

Changes to legislation: There are currently no known outstanding effects for the *The Town and Country Planning (Local Development) (England) Regulations 2004 (revoked)*. (See end of Document for details)

Textual Amendments

- F1** Words in reg. 2(1) inserted (27.6.2008) by [The Town and Country Planning \(Local Development\) \(England\) \(Amendment\) Regulations 2008 \(S.I. 2008/1371\)](#), regs. 1(1), **2(2)(a)** (with reg. 3)
- F2** Words in reg. 2(1) inserted (27.6.2008) by [The Town and Country Planning \(Local Development\) \(England\) \(Amendment\) Regulations 2008 \(S.I. 2008/1371\)](#), regs. 1(1), **2(2)(b)** (with reg. 3)
- F3** Words in reg. 2(1) inserted (27.6.2008) by [The Town and Country Planning \(Local Development\) \(England\) \(Amendment\) Regulations 2008 \(S.I. 2008/1371\)](#), regs. 1(1), **2(2)(c)** (with reg. 3)
- F4** Words in reg. 2(1) substituted (27.6.2008) by [The Town and Country Planning \(Local Development\) \(England\) \(Amendment\) Regulations 2008 \(S.I. 2008/1371\)](#), regs. 1(1), **2(2)(d)(i)** (with reg. 3)
- F5** Words in reg. 2(1) substituted (27.6.2008) by [The Town and Country Planning \(Local Development\) \(England\) \(Amendment\) Regulations 2008 \(S.I. 2008/1371\)](#), regs. 1(1), **2(2)(d)(ii)** (with reg. 3)
- F6** Words in reg. 2(1) substituted (27.6.2008) by [The Town and Country Planning \(Local Development\) \(England\) \(Amendment\) Regulations 2008 \(S.I. 2008/1371\)](#), regs. 1(1), **2(2)(d)(iii)** (with reg. 3)
- F7** Words in reg. 2(1) omitted (27.6.2008) by virtue of [The Town and Country Planning \(Local Development\) \(England\) \(Amendment\) Regulations 2008 \(S.I. 2008/1371\)](#), regs. 1(1), **2(2)(d)(iv)** (with reg. 3)
- F8** Words in reg. 2(1) substituted (27.6.2008) by [The Town and Country Planning \(Local Development\) \(England\) \(Amendment\) Regulations 2008 \(S.I. 2008/1371\)](#), regs. 1(1), **2(2)(d)(v)** (with reg. 3)

Marginal Citations

- M3** 1995 c. 50.
- M4** 2000 c. 7.
- M5** The definition of “electronic communications apparatus” has been inserted into paragraph 1(1) of the electronic communications code by paragraph 2(2) of Schedule 3 to the [Communications Act 2003 \(c. 21\)](#).
- M6** 2003 c. 21.
- M7** 1990 c. 43.
- M8** See regulation 2 of [S.I. 1999/3280](#).
- M9** See section 1(1) of the [Environment Act 1995 \(c. 25\)](#).
- M10** See section 32 of the [National Heritage Act 1983 \(c. 47\)](#).
- M11** See section 1 of the [Regional Development Agencies Act 1998 \(c. 45\)](#).
- M12** 1989 (c. 29); section 6 was substituted by the [Utilities Act 2000 \(c. 27\)](#), **section 30**.
- M13** 1986 (c. 44); section 7 was substituted by the [Gas Act 1995 \(c. 45\)](#), and section 7(2) was amended by the [Utilities Act 2000 \(c. 27\)](#), **sections 3(2)**, 76(1) and (3), and Schedule 6, paragraphs 1 and 4.
- M14** See section 18 of the [Planning and Compulsory Purchase Act 2004 \(c. 5\)](#). A sustainability appraisal report is not required in respect of the local planning authority’s statement of community involvement.

Scope of Regulations

- 3.—(1) Subject to paragraph (2), these Regulations have effect in relation to—
- (a) the revision of an LDD as they apply to the preparation of an LDD;
 - (b) a minerals and waste development scheme as they have effect in relation to a local development scheme and for that purpose—
 - (i) references to a local development scheme include references to a minerals and waste development scheme, and
 - (ii) references to a local planning authority include references to a county council within the meaning of section 16(1).
- (2) Regulations 5, 12(3) and 47 have no effect in relation to minerals and waste development schemes.

Electronic communications

- 4.—(1) Where within these Regulations—
- (a) a person is required to—
 - (i) send a document, a copy of a document or any notice to another person,
 - (ii) notify another person of any matter; and
 - (b) that other person has an address for the purposes of electronic communications;
- the document, copy, notice or notification may be sent or made by way of electronic communications.
- (2) Where within these Regulations a person may make representations on any matter or document, those representations may be made—
- (a) in writing, or
 - (b) by way of electronic communications.
- (3) Where—
- (a) an electronic communication is used as mentioned in paragraphs (1) and (2), and
 - (b) the communication is received by the recipient outside his office hours, it shall be taken to have been received on the next working day, and in this regulation “working day” means a day which is not a Saturday, Sunday, Bank Holiday or other public holiday.

PART 2

SURVEY OF AREA

Survey of area: county councils

- 5.—(1) Each county council shall keep under review, in relation to that part of their area for which there is a district council, the following matters—
- (a) the principal physical, economic, social and environmental characteristics of the [^{F9}area];
 - (b) the size, composition and distribution of the population of the area;
 - (c) the communications, transport system and traffic of the area;
 - (d) any other considerations which may be expected to affect those matters.
- (2) The persons prescribed for the purposes of section 14(5) are—
- (a) any local planning authority any part of whose area lies within the area of the county council; and
 - (b) if the regional planning body within whose area the area of the county council lies requests a copy of the results of the review under section 14(3), that body.

Textual Amendments

- F9** Word in [reg. 5\(1\)\(a\)](#) substituted (27.6.2008) by [The Town and Country Planning \(Local Development\) \(England\) \(Amendment\) Regulations 2008 \(S.I. 2008/1371\)](#), [regs. 1\(1\), 2\(3\)](#) (with [reg. 3](#))

PART 3

LOCAL DEVELOPMENT SCHEMES AND DOCUMENTS WHICH MUST BE DEVELOPMENT PLAN DOCUMENTS

Documents to be specified in local development schemes as local development documents

6.—(1) The descriptions of document prescribed for the purposes of section 17(1)(a) which must be specified as LDDs in a local development scheme are—

- (a) any document containing statements of—
 - (i) the development and use of land which the local planning authority wish to encourage during any specified period;
 - (ii) objectives relating to design and access which the local planning authority wish to encourage during any specified period;
 - (iii) any environmental, social and economic objectives which are relevant to the attainment of the development and use of land mentioned in paragraph (i);
 - (iv) the authority’s general policies in respect of the matters referred to in paragraphs (i) to (iii); and
- (b) where a document of the description mentioned in paragraph (a) contains policies applying to sites or areas by reference to an Ordnance Survey map, an LDD which accompanies a DPD and shows how the adopted proposals map [^{F10}would be amended if the DPD submitted to the Secretary of State under section 20(1) were adopted].

(2) The descriptions of other documents prescribed for the purposes of section 17(1)(a) which, if prepared, must be specified as LDDs in a local development scheme are—

- (a) any document which—
 - (i) relates to part of the area of the local planning authority;
 - (ii) identifies that area as an area of significant change or special conservation; and
 - (iii) contains the authority’s policies relevant to areas of significant change or special conservation; and
- (b) any other document which includes a site allocation policy.

(3) A document of the description in paragraph (1)(a) is referred to in the following provisions of these Regulations as a core strategy.

(4) A document of the description in paragraph (2)(a) is referred to in the following provisions of these Regulations as an area action plan.

(5) A document of the description in paragraph (1)(b) is referred to in the following provisions of these Regulations as a submission proposals map.

(6) In paragraph (1)(b) “the adopted proposals map” means a document which—

- (a) when first adopted shows the matters specified in regulation 14(4),
- (b) is revised in the manner specified in regulation 9, and
- (c) consists of text and maps, of which the text prevails if the map and text conflict.

Textual Amendments

F10 Words in reg. 6(1)(b) substituted (27.6.2008) by The Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008 (S.I. 2008/1371), regs. 1(1), 2(4) (with reg. 3)

Documents which must be development plan documents

7. Documents which must be DPDs are—
- (a) core strategies,
 - (b) area action plans, and
 - (c) any other document which includes a site allocation policy.

Additional matters to be specified in local development schemes and revisions of such schemes

8. The matters (in addition to those mentioned in section 15(2)) to be specified in a local development scheme or any revision of such a scheme are—
- (a) in relation to each document to be specified in the scheme or revision as an LDD—
 - (i) its proposed title,
 - (ii) its proposed subject matter, and
 - (iii) the area proposed to be covered by the document;
 - (b) in relation to each document to be specified in the scheme or revision as an SPD, the month and year in which the local planning authority or county council (as the case may be) intends to—
 - (i) comply with regulation 17,
 - (ii) adopt the document;
 - (c) in relation to each document to be specified in the scheme or revision as a DPD and the local planning authority’s statement of community involvement, the date on which the local planning authority intends to comply with ^{F11}section 20(1)
 - ^{F12}(i)
 - ^{F12}(ii) and
 - (d) in relation to proposals to which any of paragraphs 4, 5, 9 and 10 of Schedule 8 to the Act applies—
 - (i) the timetable for the preparation of the proposals, including the month and year in which the local planning authority intends to adopt the proposals, and
 - (ii) where the proposals are for the alteration of a plan, the area and subject matter of the proposals.

Textual Amendments

F11 Words in reg. 8(c) inserted (27.6.2008) by The Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008 (S.I. 2008/1371), regs. 1(1), 2(5) (with reg. 3)

F12 Reg. 8(c)(i)(ii) omitted (27.6.2008) by virtue of The Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008 (S.I. 2008/1371), regs. 1(1), 2(5) (with reg. 3)

Status: Point in time view as at 27/06/2008.

Changes to legislation: There are currently no known outstanding effects for the The Town and Country Planning (Local Development) (England) Regulations 2004 (revoked). (See end of Document for details)

Other requirements for the preparation of local development schemes

9. When a local development scheme is prepared it must specify that the adopted proposals map will be revised—

- (a) at the same time as any DPD is adopted [^{F13}or approved],
- (b) so as to illustrate geographically the application of the policies in the DPD or revision.

Textual Amendments

F13 Words in reg. 9(a) inserted (27.6.2008) by [The Town and Country Planning \(Local Development\) \(England\) \(Amendment\) Regulations 2008 \(S.I. 2008/1371\)](#), regs. 1(1), **2(6)** (with reg. 3)

^{F14}Submission of local development schemes to the Secretary of State and the Mayor of London

10.—(1) The time prescribed for the purposes of section 15(3)(b) and (d) is not later than 14 days after the local development scheme, or the revision of such a scheme, has been prepared.

- (2) Where the local planning authority are a London borough council, they must—
 - (a) at the time they submit a local development scheme or any revision of such a scheme to the Secretary of State under section 15(3)(b), submit that scheme or revision to the Mayor of London; and
 - (b) at the time they submit a local development scheme or any revision of such a scheme to the Mayor of London under section 15(3)(d), submit that scheme or revision to the Secretary of State.
- (3) A local development scheme, or any revision to such a scheme, shall be submitted to the Secretary of State, or to the Mayor of London, by—
 - (a) sending it to him electronically; and
 - (b) sending to him two copies of it in paper form.

Textual Amendments

F14 Regs. 10-11A substituted for reg. 10 (27.6.2008) by [The Town and Country Planning \(Local Development\) \(England\) \(Amendment\) Regulations 2008 \(S.I. 2008/1371\)](#), regs. 1(1), **2(7)** (with reg. 3)

Bringing local development schemes and revision of such schemes into effect

11.—(1) For the purposes of bringing a local development scheme or any revision of such a scheme into effect—

- (a) the requirements of one of paragraphs (2) to (5) shall be met; and
- (b) the local planning authority—
 - (i) shall resolve that the scheme or revision shall have effect, and
 - (ii) shall specify in that resolution the date from which the scheme or revision shall have effect.
- (2) The requirements of this paragraph are that, before the end of the relevant period—
 - (a) the local planning authority have received notice from the Secretary of State that he does not intend to give them a direction under section 15(4); and

- (b) if the local planning authority are a London borough council, they have also received notice from the Mayor of London that he does not intend to give them a direction under section 15(4).
- (3) The requirements of this paragraph are that the relevant period has ended and the local planning authority have not received—
 - (a) a direction under section 15(4) from either the Secretary of State or the Mayor of London;
 - (b) notice from the Secretary of State that he requires more time to consider the scheme or revision; or
 - (c) if they are a London borough council, notice from the Mayor of London that he requires more time to consider the scheme or revision.
- (4) The requirements of this paragraph are that the local planning authority have received a direction under section 15(4) and—
 - (a) if the direction was given by the Secretary of State—
 - (i) the local planning authority have complied with it (as varied by any further direction), or
 - (ii) they have received a direction from the Secretary of State revoking it; or
 - (b) if the direction was given by the Mayor of London, at least three weeks have elapsed starting on the day the Mayor of London gave the direction and the local planning authority have—
 - (i) complied with it (as varied by any further direction),
 - (ii) received a direction under section 15(6B)(a) to disregard it, or
 - (iii) received a direction from the Mayor of London revoking it.
- (5) The requirements of this paragraph are that—
 - (a) the local planning authority have received—
 - (i) notice from the Secretary of State that he requires more time to consider the scheme or revision, or
 - (ii) notice from the Mayor of London that he requires more time to consider the scheme or revision; and
 - (b) if the local planning authority received notice of the type referred to in sub-paragraph(a) (i), they subsequently receive notice from the Secretary of State that he does not intend to give them a direction under section 15(4);
 - (c) if the local planning authority received notice of the type referred to in sub-paragraph(a) (ii), they subsequently receive notice from the Mayor of London that he does not intend to give them a direction under section 15(4);
 - (d) if neither sub-paragraph (b) or (c) applies, the requirements of paragraph (4) are satisfied.
- (6) In this regulation “relevant period” means the period of four weeks starting on the day on which the authority submit the scheme or revision to the Secretary of State under section 15(3)(b).

Textual Amendments

- F14** Regs. 10-11A substituted for reg. 10 (27.6.2008) by [The Town and Country Planning \(Local Development\) \(England\) \(Amendment\) Regulations 2008 \(S.I. 2008/1371\)](#), regs. 1(1), **2(7)** (with reg. 3)

Status: Point in time view as at 27/06/2008.

Changes to legislation: There are currently no known outstanding effects for the *The Town and Country Planning (Local Development) (England) Regulations 2004 (revoked)*. (See end of Document for details)

Directions

11A.—(1) A copy of a direction given by the Mayor of London under section 15(4) or (8) shall be sent to the Secretary of State by—

- (a) sending it to him electronically; and
- (b) sending to him two copies of it in paper form.

(2) The time prescribed for the purposes of section 15(6B), (8B)(b) and (8C) is three weeks starting on the day the Mayor of London gives the direction in question.]

Textual Amendments

- F14** Regs. 10-11A substituted for reg. 10 (27.6.2008) by [The Town and Country Planning \(Local Development\) \(England\) \(Amendment\) Regulations 2008 \(S.I. 2008/1371\)](#), regs. 1(1), **2(7)** (with reg. 3)

Availability of a local development scheme

12.—(1) Where a local development scheme takes effect in accordance with regulation 11, a local planning authority must—

- (a) make a copy of the scheme available for inspection at their principal office during normal office hours, and
- (b) publish the scheme on their website.

(2) Where a revision to a local development scheme takes effect under regulation 11, within 2 weeks a local planning authority must incorporate the revision into the scheme made available for inspection and published under paragraph (1).

(3) Where paragraph (1) or (2) applies to a minerals and waste development scheme, within 2 weeks the county council must send a copy of—

- (a) the scheme, or
- (b) the scheme incorporating the revision,

to any local planning authority any part of whose area is within so much of the area of the county council as is mentioned in section 16(1).

PART 4

FORM AND CONTENT OF LOCAL DEVELOPMENT DOCUMENTS AND REGARD TO BE HAD TO CERTAIN MATTERS

Form and content of local development documents: general

13.—(1) Subject to paragraph (9), an LDD must contain a reasoned justification of the policies contained in it.

(2) Subject to paragraph (9), those parts of an LDD which comprise the policies of the LDD and those parts which comprise the reasoned justification required by paragraph (1) must be clearly identified.

(3) An LDD must contain—

- (a) a title which must—
 - (i) name the local planning authority by which the LDD is prepared, and

- (ii) indicate whether the document is a DPD or a SPD; and
- (b) a sub-title which must indicate—
 - (i) the subject matter of the document, and
 - (ii) the date on which the document is adopted.
- (4) Subject to paragraph (9), and only if it includes a site allocation policy, a DPD must include a submission proposals map showing the changes which will result to the adopted proposals map if the DPD is adopted.
- (5) Where a DPD contains a policy that is intended to supersede another policy, it must state that fact and identify the superceded policy.
- (6) Subject to paragraphs (7), (9) and (10), the policies contained in a DPD must be in conformity with either—
 - (a) where a core strategy has been adopted, the policies in the core strategy, or
 - (b) in any other case, the policies in the development plan as referred to in paragraph 1(1)(b) of Schedule 8 to the Act.
- (7) Paragraph (6) does not apply in a case falling within paragraph (b) of that paragraph where the policies in the DPD are intended to supersede an old policy as defined in paragraph 1(4) of Schedule 8 to the Act.
- (8) The policies in an SPD must be in conformity with—
 - (a) the policies in the core strategy,
 - (b) the policies in any other DPD, or
 - (c) if neither paragraph (a) nor (b) applies, an old policy.
- (9) Paragraphs (1), (2), (4) and (6) do not apply to the submission proposals map or the adopted proposals map.
- (10) Paragraph (6) does not apply to the core strategy.

Form and content of local development documents: specific

- 14.—**(1) The adopted proposals map must be comprised of or contain a map of the local planning authority's area which must—
- (a) be reproduced from, or based on, an Ordnance Survey map;
 - (b) show National Grid lines and reference numbers; and
 - (c) include an explanation of any symbol or notation which it uses.
- (2) The adopted proposals map may contain a map, called an inset map, which must—
- [^{F15}(a) comply with the requirements in paragraph (1)(a) to (c);]
 - [^{F15}(b) be drawn to a larger scale than the map of the local planning authority's area referred to in paragraph (1); and]
 - (c) show the application of the local planning authority's policies to part of the authority's area.
- (3) Where the adopted proposals map includes an inset map—
- (a) the area covered by the inset map must be identified on the map [^{F16}of the local planning authority's area referred to in paragraph (1)], and
 - (b) the application of the local planning authority's policies to that area must be shown on the inset map only.

Status: Point in time view as at 27/06/2008.

Changes to legislation: There are currently no known outstanding effects for the The Town and Country Planning (Local Development) (England) Regulations 2004 (revoked). (See end of Document for details)

(4) When the adopted proposals map is first adopted it must illustrate geographically the application of—

- (a) the policies in any DPD adopted at the same time, and
- (b) an old policy which applies at that time.

Textual Amendments

F15 Reg. 14(2)(a)(b) substituted (27.6.2008) by The Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008 (S.I. 2008/1371), regs. 1(1), **2(8)(a)** (with reg. 3)

F16 Words in reg. 14(3)(a) substituted (27.6.2008) by The Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008 (S.I. 2008/1371), regs. 1(1), **2(8)(b)** (with reg. 3)

Local development documents: additional matters to which regard to be had

15.—(1) The matters (additional to those specified in section 19(2)(a) to (i)) prescribed for the purposes of section 19(2) are—

- (a) the strategy prepared under section 7 of the Regional Development Agencies Act 1998^{M15} for the region in which the area of the local planning authority is situated;
- (b) any local transport plan, the policies of which affect any part of the local planning authority's area;
- (c) any other policies prepared under section 108(1) and (2) of the Transport Act 2000 which affect any part of the local planning authority's area^{M16};
- (d) the objectives of preventing major accidents and limiting the consequences of such accidents;
- (e) the need—
 - (i) in the long term, to maintain appropriate distances between establishments and residential areas, buildings and areas of public use, major transport routes as far as possible, recreational areas and areas of particular natural sensitivity or interest, and
 - (ii) in the case of existing establishments, for additional technical measures in accordance with Article 5 of Council Directive [96/82/EC](#) on the control of major accident hazards involving dangerous substances^{M17} so as not to increase the risks to people
- (f) the national waste strategy;
- (g) where a local planning authority's area or part of the area adjoins Scotland, the National Planning Framework for Scotland, published by the Scottish Executive in April 2004.

(2) Expressions appearing both in paragraph (1) and in Council Directive [96/82/EC](#) (as amended by Council Directive [2003/105/EC](#)^{M18}) have the same meaning as in that Directive.

(3) In paragraph 1(b) “local transport plan” has the same meaning as in section 108(3) of the Transport Act 2000.

Marginal Citations

M15 1998 c. 45.

M16 2000 c. 38.

M17 O.J. No. L10, 14.1.1997, p. 13.

M18 O.J. No. L345, 31.12.2003, p. 0097-0105.

PART 5

SUPPLEMENTARY PLANNING DOCUMENTS

Application and interpretation of Part 5

16.—(1) This Part applies to SPDs only.

(2) In this Part—

[^{F17}“adoption statement” means a statement specifying—

- (a) the date on which an SPD was adopted,
- (b) that any person with sufficient interest in the decision to adopt the SPD may apply to the High Court for permission to apply for judicial review of that decision, and
- (c) that any such application must be made promptly and in any event not later than 3 months after the date on which the SPD was adopted;]

“consultation statement” means the statement prepared under regulation 17(1);

“SPD documents” means—

- (a) the SPD,
- (b) the sustainability appraisal report,
- (c) the consultation statement, and
- (d) such supporting documents as in the opinion of the authority are relevant to the preparation of the SPD; and

“SPD matters” means—

- (a) the title of the SPD,
- (b) the subject matter of, and the area covered by, the SPD,
- (c) the period within which representations about the SPD must be made in accordance with regulation 18(2)(a),
- (d) the address to which and, where appropriate, the person to whom representations (whether made by way of electronic communications or otherwise) must be sent in accordance with regulation 18(2)(b),
- (e) a statement that any representations may be accompanied by a request to be notified at a specified address of the adoption of the SPD.

Textual Amendments

F17 Words in reg. 16(2) substituted (27.6.2008) by The Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008 (S.I. 2008/1371), regs. 1(1), 2(9) (with reg. 3)

Public participation

17.—(1) Before a local planning authority adopt an SPD they must—

- (a) make copies of the SPD documents and a statement of the SPD matters available for inspection during normal office hours—

Status: Point in time view as at 27/06/2008.

Changes to legislation: There are currently no known outstanding effects for the The Town and Country Planning (Local Development) (England) Regulations 2004 (revoked). (See end of Document for details)

- (i) at their principal office, and
 - (ii) at such other places within their area as the authority consider appropriate; and
- (b) prepare a statement setting out—
 - (i) the names of any persons whom the authority consulted in connection with the preparation of the SPD,
 - (ii) how those persons were consulted,
 - (iii) a summary of the main issues raised in those consultations,
 - (iv) how those issues have been addressed in the SPD.
- (2) At the time the authority comply with paragraph (1)(a) they must—
 - (a) publish on their website—
 - (i) the SPD documents,
 - (ii) the SPD matters, and
 - (iii) a statement of the fact that the SPD documents are available for inspection and of the places and times at which they can be inspected;
 - (b) send to the bodies specified in paragraph (3)—
 - (i) the SPD,
 - (ii) the sustainability appraisal report,
 - (iii) the consultation statement,
 - (iv) such of the supporting documents as are relevant to the body to which the documents are being sent,
 - (v) notice of the SPD matters, and
 - (vi) the statement referred to in paragraph (a)(iii);
 - (c) give notice by local advertisement of—
 - (i) the SPD matters,
 - (ii) the fact that the SPD documents are available for inspection and the places and times at which they can be inspected; and
 - (d) make a request under section 24(2)(b) or (4)(b) (conformity with regional strategy).
- (3) The bodies referred to in paragraph (2)(b) are—
 - (a) each of the specific consultation bodies to the extent that the local planning authority thinks that the SPD affects the body; and
 - (b) such of the general consultation bodies as the local planning authority consider appropriate.

Representations on supplementary planning documents

- 18.**—(1) Any person may make representations about an SPD.
- (2) Any such representations must be—
- (a) made within the period, and
 - (b) sent to the address and, where appropriate, the person, specified pursuant to regulation 17(2).
- (3) The period referred to in paragraph (2)(a) must be a period of not less than 4 weeks or more than 6 weeks starting on the day on which the local planning authority complies with regulation 17(1).

- (4) A local planning authority shall not adopt an SPD until—
 - (a) they have considered any representations made in accordance with paragraph (2); and
 - (b) have prepared a statement setting out—
 - (i) a summary of the main issues raised in these representations, and
 - (ii) how these main issues have been addressed in the SPD which they intend to adopt.

Adoption of supplementary planning documents

- 19. As soon as reasonably practicable after the local planning authority adopt an SPD they must—
 - (a) make available for inspection during normal office hours at the places at which the SPD was made available under regulation 17(1)(a)—
 - (i) the statement in regulation 18(4)(b),
 - (ii) an adoption statement, and
 - (iii) the SPD;
 - (b) publish on their website—
 - (i) the statement referred to in regulation 18(4)(b), and
 - (ii) the adoption statement; and
 - (c) send the adoption statement to any person who has asked to be notified of the adoption of the SPD.

Withdrawal of a supplementary planning document

- 20. If an SPD is withdrawn the local planning authority must—
 - (a) publish a statement of that fact on their website;
 - (b) notify—
 - (i) any body to which notification was given and to whom documents were sent under regulation 17(2)(b),
 - (ii) any person who has made a representation in accordance with regulation 18(2), of that fact; and
 - (c) remove any copies, documents, matters and statements made available or published under regulation 17(1)(a) and (2)(a).

Revocation of a supplementary planning document

- 21. A local planning authority may revoke an SPD if—
 - (a) it ceases to comply with regulation 13(8); or
 - (b) it contains policies relating to the development of a site specified in the SPD, and that development has been completed.

Direction not to adopt a supplementary planning document

- 22.—(1) The Secretary of State may at any time direct a local planning authority—
 - (a) not to adopt an SPD until he has decided whether to give a direction under section 21(1); and
 - (b) to send to him a copy of the SPD made available under regulation 17(1)(a).

Status: Point in time view as at 27/06/2008.

Changes to legislation: There are currently no known outstanding effects for the The Town and Country Planning (Local Development) (England) Regulations 2004 (revoked). (See end of Document for details)

- (2) If the Secretary of State issues the first-mentioned direction in paragraph (1), the authority must—
- (a) if the direction is made before they have complied with regulation 17, at the time they comply with that regulation—
 - (i) publish the direction and make it available for inspection during normal office hours—
 - (aa) at their principal office, and
 - (bb) at such other places within their area as the authority consider appropriate; and
 - (ii) send a copy of the SPD to the Secretary of State;
 - (b) if the direction is made after they have complied with regulation 17—
 - (i) make the direction available for inspection during normal office hours at the places at which the SPD was made available under regulation 17(1)(a),
 - (ii) publish the direction on their website.
- (3) The first-mentioned direction in paragraph (1) shall be treated as withdrawn on the date on which the authority receive—
- (a) notice that the Secretary of State does not intend to give a direction under section 21(1); or
 - (b) the Secretary of State’s direction under section 21(1).

Direction to modify a supplementary planning document

- 23.** If the Secretary of State gives a direction under section 21(1) in respect of an SPD, the local planning authority must—
- (a) make the direction available for inspection during normal office hours at the places at which the SPD was made available under regulation 17(1)(a);
 - (b) publish the direction on their website; and
 - (c) at the time they comply with regulation 19—
 - (i) make available for inspection during normal office hours at the places at which the SPD was made available under regulation 17(1)(a); and
 - (ii) publish on their website,
 - (aa) a statement that the Secretary of State has withdrawn the direction, or
 - (bb) the Secretary of State’s notice under section 21(2)(b).

PART 6

DEVELOPMENT PLAN DOCUMENTS

[^{F18} Application and interpretation of Part 6

24.—(1) Regulations 27, 28, and 30 to 39 apply to a local planning authority’s statement of community involvement as they apply to a DPD; and accordingly, unless otherwise indicated, any reference in any of those regulations to a DPD includes a reference to a statement of community involvement.

- (2) In this Part—
- “adoption statement” means—
- (a) in relation to a DPD, a statement specifying—

- (i) the date on which the DPD was adopted,
 - (ii) that any person aggrieved by the DPD may make an application to the High Court under section 113, and
 - (iii) the grounds on which, and the time within which, such an application may be made; and
- (b) in relation to a statement of community involvement, a statement specifying—
- (i) the date on which the statement of community involvement was adopted,
 - (ii) that any person with sufficient interest in the decision to adopt the statement of community involvement may apply to the High Court for permission to apply for judicial review of that decision, and
 - (iii) that any such application must be made promptly and in any event not later than 3 months after the date on which the statement was adopted;

“decision statement” means—

- (a) a statement that the Secretary of State has decided to approve, approve subject to modifications, or reject the DPD or part of it (as the case may be),
- (b) where the Secretary of State decides to approve or approve subject to modifications the DPD or part of it, a statement—
 - (i) of the date on which it was approved,
 - (ii) that an application to the High Court may be made under section 113 by any person aggrieved by the DPD, and
 - (iii) of the grounds on which, and the time within which, such an application may be made;

“proposed submission documents” means—

- (a) in relation to a DPD, the following documents—
 - (i) the DPD which the local planning authority propose to submit to the Secretary of State,
 - (ii) if the adoption of the DPD would result in changes to the adopted proposals map, a map showing those changes,
 - (iii) the sustainability appraisal report of the DPD,
 - (iv) a statement setting out—
 - (aa) which bodies and persons were invited to make representations under regulation 25,
 - (bb) how those bodies and persons were invited to make such representations,
 - (cc) a summary of the main issues raised by those representations, and
 - (dd) how those main issues have been addressed in the DPD, and
 - (v) such supporting documents as in the opinion of the local planning authority are relevant to the preparation of the DPD; and
- (b) in relation to a statement of community involvement, the following documents—
 - (i) the statement of community involvement which the local planning authority propose to submit to the Secretary of State,
 - (ii) a statement setting out—
 - (aa) which bodies and persons were invited to make representations under regulation 26,

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- (bb) how those bodies and persons were invited to make such representations,
 - (cc) a summary of the main issues raised by those representations, and
 - (dd) how those main issues have been addressed in the statement of community involvement, and
 - (iii) such supporting documents as in the opinion of the local planning authority are relevant to the preparation of the statement of community involvement;
- “statement of the representations procedure” means a statement specifying—
- (a) the title of the DPD or statement of community involvement (as the case may be) which the local planning authority propose to submit to the Secretary of State;
 - (b) the subject-matter of, and the area covered by, that document;
 - (c) the period within which representations about that document must be made in accordance with regulation 28(2);
 - (d) the address to which, and the name of the person (if any) to whom, representations about that document must be made in accordance with regulation 28(2);
 - (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) that the DPD or the statement of community involvement (as the case may be) has been submitted for independent examination under section 20,
 - (ii) the publication of the recommendations of any person appointed to carry out an independent examination of the DPD or statement of community involvement (as the case may be), and
 - (iii) the adoption of the DPD or the statement of community involvement (as the case may be).

Textual Amendments

F18 Regs. 24-31 substituted for regs. 24-33 (27.6.2008) by [The Town and Country Planning \(Local Development\) \(England\) \(Amendment\) Regulations 2008 \(S.I. 2008/1371\)](#), regs. 1(1), **2(10)** (with reg. 3)

Public participation in the preparation of a development plan document

- 25.**—(1) A local planning authority must—
- (a) notify each of the bodies specified in paragraph (2) of the subject of a DPD which they propose to prepare; and
 - (b) invite each of those bodies to make representations to them about what a DPD with that subject ought to contain.
- (2) The bodies 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 DPD; and
 - (b) such of the general consultation bodies as the local planning authority consider appropriate.

(3) If a local planning authority propose to prepare a DPD, they must also consider whether it is appropriate to invite representations from persons who are resident or carrying on business in their area.

(4) If a local planning authority decide that it is appropriate to invite representations under paragraph (3) they must make arrangements for the purposes of inviting representation from such persons of the descriptions in paragraph (3) as they think appropriate.

(5) In preparing the DPD, the local planning authority must take into account any representations made to them in response to invitations under paragraph (1) or (4).

Textual Amendments

F18 Regs. 24-31 substituted for regs. 24-33 (27.6.2008) by [The Town and Country Planning \(Local Development\) \(England\) \(Amendment\) Regulations 2008 \(S.I. 2008/1371\)](#), regs. 1(1), **2(10)** (with reg. 3)

Public participation in the preparation of a statement of community involvement

26.—(1) Before preparing a statement of community involvement, a local planning authority must—

- (a) notify each of the bodies and persons specified in paragraph (2) of their intention to do so; and
- (b) invite each of those bodies and persons to make representations about what the contents of the statement might be.

(2) The bodies and persons referred to in paragraph (1) are—

- (a) the Secretary of State for Transport;
- (b) each relevant authority any part of whose area is in or adjoins the area of the local planning authority;
- (c) such of the general consultation bodies as the local planning authority consider appropriate;
- (d) if the local planning authority's area is in a region other than Greater London, the regional planning body for that region; and
- (e) if the local planning authority's area is in Greater London, the Mayor of London.

(3) Before preparing a statement of community involvement, a local planning authority must also consider whether it is appropriate to invite representations from persons who are resident or carrying on business in their area.

(4) If a local planning authority decide that it is appropriate to invite representations under paragraph (3), they must make such arrangements for the purposes of inviting representations from such persons of the descriptions in paragraph (3) as they think appropriate.

(5) In preparing the statement of community involvement, the local planning authority must take into account any representations made to them in response to invitations under paragraph (1) or (4).

Textual Amendments

F18 Regs. 24-31 substituted for regs. 24-33 (27.6.2008) by [The Town and Country Planning \(Local Development\) \(England\) \(Amendment\) Regulations 2008 \(S.I. 2008/1371\)](#), regs. 1(1), **2(10)** (with reg. 3)

Publication of a development plan document

27. Before submitting a DPD to the Secretary of State under section 20, the local planning authority must—

- (a) make a copy of each of the proposed submission documents and a statement of the representations procedure available for inspection during normal office hours—
 - (i) at their principal office, and
 - (ii) at such other places within their area as they consider appropriate;
- (b) publish on their website—
 - (i) the proposed submission documents,
 - (ii) a statement of the representations procedure, and
 - (iii) 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;
- (c) send to each of the specific consultation bodies invited to make representations under regulation 25(1) or 26(1) for the purposes of the DPD—
 - (i) a copy of each of the proposed submission documents, and
 - (ii) a statement of the representations procedure;
- (d) send to each of the general consultation bodies invited to make representations under regulation 25(1) or regulation 26(1) for the purposes of the DPD—
 - (i) a statement of the representations procedure, and
 - (ii) 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; and
- (e) give by local advertisement notice which sets out—
 - (i) a statement of the representations procedure, and
 - (ii) 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.

Textual Amendments

F18 Regs. 24-31 substituted for regs. 24-33 (27.6.2008) by [The Town and Country Planning \(Local Development\) \(England\) \(Amendment\) Regulations 2008 \(S.I. 2008/1371\)](#), regs. 1(1), **2(10)** (with reg. 3)

Representations relating to a development plan document

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

- (2) Any such representations must be—
 - (a) made within the period which the local planning authority specify for the purposes of this paragraph; and
 - (b) sent to the address, and if the local planning authority think it appropriate to specify a person, the person, which the local planning authority specify for the purposes of this paragraph.
- (3) The period which the local planning authority specify for the purposes of paragraph (2) must be a period of not less than six weeks starting on the day on which notice given pursuant to regulation 27(e) is first published.

(4) Nothing in this regulation applies to representations taken to have been made as mentioned in section 24(6) or (7) (non-conformity opinions of RPBs and the Mayor of London).

Textual Amendments

F18 Regs. 24-31 substituted for regs. 24-33 (27.6.2008) by [The Town and Country Planning \(Local Development\) \(England\) \(Amendment\) Regulations 2008 \(S.I. 2008/1371\)](#), regs. 1(1), **2(10)** (with reg. 3)

Conformity with regional strategy

29.—(1) A local planning authority must make a request under section 24(2)(a) or (4)(a) on the same day that they comply with regulation 27(a).

(2) The period prescribed for the purposes of section 24(3) is 6 weeks starting on the day the request is made under section 24(2)(a).

(3) If a request is made under section 24(4)(a), the Mayor must send his opinion as to the general conformity of the DPD with the spatial development strategy to the Secretary of State and the local planning authority within the period of 6 weeks starting on the day the request is made.

Textual Amendments

F18 Regs. 24-31 substituted for regs. 24-33 (27.6.2008) by [The Town and Country Planning \(Local Development\) \(England\) \(Amendment\) Regulations 2008 \(S.I. 2008/1371\)](#), regs. 1(1), **2(10)** (with reg. 3)

Submission of documents and information to the Secretary of State

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

- (a) except in the case of a statement of community involvement, the sustainability appraisal report for the DPD;
- (b) except in the case of a statement of community involvement, a submission proposals map if the adoption of the DPD would result in changes to the adopted proposals map;
- (c) if the local planning authority have an adopted statement of community involvement, that statement;
- (d) a statement setting out—
 - (i) which bodies and persons the local planning authority invited to make representations under regulation 25 or regulation 26,
 - (ii) how those bodies and persons were invited to make representations under either of those regulations,
 - (iii) a summary of the main issues raised by the representations made pursuant to either of those regulations, and
 - (iv) how any representations made pursuant to either of those regulations have been taken into account;
- (e) a statement setting out—
 - (i) if representations were made in accordance with regulation 28(2), the number of representations made and a summary of the main issues raised in those representations, or

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Changes to legislation: There are currently no known outstanding effects for the The Town and Country Planning (Local Development) (England) Regulations 2004 (revoked). (See end of Document for details)

- (ii) that no such representations were made;
 - (f) copies of any representations made in accordance with regulation 28(2); and
 - (g) such supporting documents as in the opinion of the authority are relevant to the preparation of the DPD.
- (2) Of the documents and statements mentioned or referred to in paragraph (1)—
- (a) a copy of each must be sent in paper form,
 - (b) a copy of those mentioned or referred to in paragraph (1)(a) to (e) and, if practicable, of those referred to in paragraph (1)(f) and (g), must be sent electronically.
- (3) As soon as reasonably practicable after a local planning authority submit a DPD to the Secretary of State they must—
- (a) make available during normal office hours at the places at which the proposed submission documents were made available under regulation 27(a), a copy of the DPD and of each of the documents referred to in paragraph (1)(a) to (g).
 - (b) publish on their website—
 - (i) the DPD and the documents referred to in paragraph (1)(a), (b), (d), and (e),
 - (ii) any of the documents referred to in paragraph (1)(f) and (g) which it is practicable to so publish, and
 - (iii) a statement of the fact that a copy of the DPD and of each of the documents referred to in paragraph (1)(a) to (g) are available for inspection and of the places and times at which they can be inspected;
 - (c) send to each of the specific consultation bodies invited to make representations under regulation 25(1) or 26(1) (as the case may be)—
 - (i) a copy of the DPD and each of the documents referred to in paragraph (1)(a) to (e),
 - (ii) a copy of such of the documents referred to in paragraph (1)(g) as they consider are relevant to that body, and
 - (iii) a statement of the fact that a copy of the DPD and each of the documents referred to in paragraph (1)(a) to (g) are available for inspection and of the places and times at which they can be inspected;
 - (d) send to each of the general consultation bodies invited to make representations under regulation 25(1) or 26(1), notification that copies of the documents referred to in paragraph (1)(a) to (g) are available for inspection and of the places and times at which they can be inspected;
 - (e) give notice by local advertisement of—
 - (i) the title of the DPD,
 - (ii) the subject matter of, and the area covered by, the DPD,
 - (iii) the fact that a copy of the DPD and of each of the documents referred to in paragraph (1)(a) to (g) are available for inspection and of the places and times at which they can be inspected; and
 - (f) give notice to those persons who requested to be notified of the submission of the DPD to the Secretary of State that it has been so submitted.

Textual Amendments

- F18** Regs. 24-31 substituted for regs. 24-33 (27.6.2008) by [The Town and Country Planning \(Local Development\) \(England\) \(Amendment\) Regulations 2008 \(S.I. 2008/1371\)](#), regs. 1(1), **2(10)** (with reg. 3)

Consideration of representations by appointed person

31. Before the person appointed to carry out the examination complies with section 20(7) he must consider any representations made in accordance with regulation 28(2).]

Textual Amendments

- F18** Regs. 24-31 substituted for regs. 24-33 (27.6.2008) by [The Town and Country Planning \(Local Development\) \(England\) \(Amendment\) Regulations 2008 \(S.I. 2008/1371\)](#), regs. 1(1), **2(10)** (with reg. 3)

Independent examination

34.—(1) This regulation applies where a person requests the opportunity to appear before and be heard by the person carrying out the examination under section 20.

(2) At least 6 weeks before the opening of an independent examination the local planning authority must—

- (a) publish the matters mentioned in paragraph (3) on their website;
 - (b) notify any person who has made a representation in accordance with [^{F19}regulation 28(2)], and not withdrawn that representation, of those matters; and
 - (c) give notice by local advertisement of those matters.
- (3) The matters referred to in paragraph (2) are—
- (a) the time and place at which the examination is to be held, and
 - (b) the name of the person appointed to carry out the examination.

Textual Amendments

- F19** Words in reg. 34(2)(b) substituted (27.6.2008) by [The Town and Country Planning \(Local Development\) \(England\) \(Amendment\) Regulations 2008 \(S.I. 2008/1371\)](#), regs. 1(1), **2(11)** (with reg. 3)

Publication of the recommendations of the person appointed

35.—(1) The local planning authority must comply with section 20(8)—

- (a) as soon as reasonably practicable after the day on which the DPD is adopted, or
- (b) if the Secretary of State gives a direction under section 21(1) or (4) after the person appointed has complied with section 20(7), as soon as reasonably practicable after receipt of the direction.

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

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- (a) make the recommendations of the person appointed and his reasons for those recommendations available for inspection during normal office hours at the places at which the [^{F20}proposed submission] documents were made available under [^{F21}regulation 27(a)];
- (b) publish the recommendations and reasons on their website; and
- (c) give notice to those persons who requested to be notified of the publication of the recommendations of the person appointed that they have been so published.

Textual Amendments

- F20** Words in reg. 35(2)(a) substituted (27.6.2008) by [The Town and Country Planning \(Local Development\) \(England\) \(Amendment\) Regulations 2008 \(S.I. 2008/1371\)](#), regs. 1(1), **2(12)(a)** (with reg. 3)
- F21** Words in reg. 35(2)(a) substituted (27.6.2008) by [The Town and Country Planning \(Local Development\) \(England\) \(Amendment\) Regulations 2008 \(S.I. 2008/1371\)](#), regs. 1(1), **2(12)(b)** (with reg. 3)

Adoption of a development plan document

- 36.** As soon as reasonably practicable after the local planning authority adopt a DPD they must—
- (a) make available for inspection during normal office hours at the places at which the [^{F22}proposed submission] documents were made available under [^{F23}regulation 27(a)]—
 - (i) the DPD,
 - (ii) an adoption statement, and
 - (iii) the sustainability appraisal report;
 - (b) publish the adoption statement on their website;
 - (c) give notice by local advertisement of—
 - (i) the adoption statement,
 - (ii) the fact that the DPD is available for inspection and the places and times at which the document can be inspected,
 - (d) send the adoption statement to any person who has asked to be notified of the adoption of the DPD; and
 - (e) send the DPD and the adoption statement to the Secretary of State.

Textual Amendments

- F22** Words in reg. 36(a) substituted (27.6.2008) by [The Town and Country Planning \(Local Development\) \(England\) \(Amendment\) Regulations 2008 \(S.I. 2008/1371\)](#), regs. 1(1), **2(13)(a)** (with reg. 3)
- F23** Words in reg. 36(a) substituted (27.6.2008) by [The Town and Country Planning \(Local Development\) \(England\) \(Amendment\) Regulations 2008 \(S.I. 2008/1371\)](#), regs. 1(1), **2(13)(b)** (with reg. 3)

[^{F24}Withdrawal of a development plan document

37.—(1) Where a local planning authority withdraw a DPD under section 22(1) before it is submitted to the Secretary of State under section 20(1), they must as soon as reasonably practicable after it is withdrawn—

- (a) publish a statement of that fact on their website;

- (b) give notice of that fact by local advertisement;
- (c) notify any body to which a copy of the proposed submission documents were provided under regulation 27(c); and
- (d) remove from their website and from the places at which they were made available, any copies, documents, matters and statements made available or published under regulation 27(a) or (b).

(2) Where a local planning authority withdraw a DPD under section 22(1) after it has been submitted to the Secretary of State under section 20(1), they must as soon as reasonably practicable after it is withdrawn—

- (a) do each of the things specified in paragraphs (a) to (d) of paragraph (1); and
- (b) remove from their website and from the places at which they were made available, any copies, documents, representations, matters and statements made available or published under regulation 30(3)(a), (3)(b) or 34(2)(a).]

Textual Amendments

F24 Reg. 37 substituted (27.6.2008) by [The Town and Country Planning \(Local Development\) \(England\) \(Amendment\) Regulations 2008 \(S.I. 2008/1371\)](#), regs. 1(1), **2(14)** (with reg. 3)

Direction not to adopt a development plan document

38.—(1) Where, in relation to a DPD, the person appointed to carry out an examination under section 20 has complied with subsection (7) of that section, the Secretary of State may at any time direct the local planning authority not to adopt that DPD until he has decided whether to give a direction under section 21(1) or (4).

(2) If the Secretary of State gives such a direction the authority must—

- (a) make the direction available for inspection during normal office hours at the places at which the [^{F25}proposed submission] documents were made available under [^{F26}regulation 27(a)],
- (b) publish the direction on their website,
- (c) not adopt the DPD until the Secretary of State has notified them of his decision under paragraph (1).

Textual Amendments

F25 Words in reg. 38(2)(a) substituted (27.6.2008) by [The Town and Country Planning \(Local Development\) \(England\) \(Amendment\) Regulations 2008 \(S.I. 2008/1371\)](#), regs. 1(1), **2(15)(a)** (with reg. 3)

F26 Words in reg. 38(2)(a) substituted (27.6.2008) by [The Town and Country Planning \(Local Development\) \(England\) \(Amendment\) Regulations 2008 \(S.I. 2008/1371\)](#), regs. 1(1), **2(15)(b)** (with reg. 3)

Direction to modify a development plan document

39. If the Secretary of State gives a direction under section 21(1) in respect of a DPD, the local planning authority must—

- [^{F27}(a) make the direction available for inspection during normal office hours—
 - (i) at their principal office, and

Status: Point in time view as at 27/06/2008.

Changes to legislation: There are currently no known outstanding effects for the The Town and Country Planning (Local Development) (England) Regulations 2004 (revoked). (See end of Document for details)

- (ii) at such other places within their area as they consider appropriate;]
- (b) publish the direction on their website; and
- (c) at the time they comply with regulation 36 publish and make available for inspection in accordance with that regulation—
 - (i) a statement that the Secretary of State has withdrawn the direction, or
 - (ii) the Secretary of State’s notice under section 21(2)(b).

Textual Amendments

F27 Reg. 39(a) substituted (27.6.2008) by [The Town and Country Planning \(Local Development\) \(England\) \(Amendment\) Regulations 2008 \(S.I. 2008/1371\)](#), regs. 1(1), **2(16)** (with reg. 3)

[^{F28}Section 21(4) directions (call-in): supplementary

40.—(1) Where the Secretary of State gives a direction under section 21(4), this regulation, regulation 29(2) and (3) and regulations 41 to 44A apply, and regulations 31 and 34 apply as if for “regulation 28(2)” there were substituted “regulation 28(2) or regulation 40(4)”.

(2) If the direction is given before the local planning authority submit to the Secretary of State the DPD to which the direction relates, the local planning authority must—

- (a) if they have not complied with regulation 27, publish the direction and make it available for inspection—
 - (i) when they comply with paragraph (3)(a) of this regulation, and
 - (ii) in accordance with paragraphs (a) and (b) of regulation 27;
 - (b) if the direction is given after the authority have complied with regulation 27—
 - (i) make the direction available for inspection during normal office hours at the places at which the proposed submission documents were made available under regulation 27(a), and
 - (ii) publish the direction on their website;
 - (c) unless they have already complied with section 19(5) in relation to the DPD, do so;
 - (d) unless they have made a request under section 24(2)(a) or (4)(a) in relation to the DPD—
 - (i) if their area is in a region other than Greater London, make a request under section 24(2)(a) in relation to the DPD,
 - (ii) if they are a London borough council, make a request under section 24(4)(a) in relation to the DPD; and
 - (e) subject to paragraph (5), take the steps mentioned in paragraph (3) as if they were preparing the DPD.
- (3) The local planning authority must—
- (a) comply with paragraphs (a) to (e) of regulation 27, for this purpose treating the following provisions of regulation 24(2) as modified as mentioned in sub-paragraphs (i) to (v) below—
 - (i) in the first definition of “proposed submission documents” and in the definition of “statement of the representations procedure”, omit “which the local planning authority propose to submit to the Secretary of State”,

- (ii) in paragraph (a)(ii) of the first definition of “proposed submission documents”, for “if the adoption of the DPD” substitute “if the adoption or approval of any part of the DPD”,
 - (iii) in paragraph (c) of the definition of “statement of the representations procedure”, for “regulation 28(2)” substitute “regulation 40(4)”,
 - (iv) in paragraph (d) of that definition, for “regulation 28(2)” substitute “regulation 40(4)”,
 - (v) in paragraph (f) of that definition, omit sub-paragraph (i), and in sub-paragraph (iii), for “the adoption of the DPD or the statement of community involvement (as the case may be)” substitute “the Secretary of State’s decision under section 21(9)(a) in relation to the DPD”; and
- (b) as soon as reasonably practicable after the period specified for the purposes of paragraph (4) has expired—
- (i) send to the Secretary of State the documents mentioned in regulation 30(1)(a) and (c) to (g), for this purpose treating references to regulation 28(2) as including references to paragraph (4) of this regulation,
 - (ii) if the adoption or approval of any part of the DPD would result in changes to the adopted proposals map, send to the Secretary of State a map showing those changes, and
 - (iii) comply with regulation 30(3)(a) to (e), for this purpose treating references to paragraph (1)(b) of regulation 30 as references to paragraph (3)(b)(ii) of this regulation and references to sub-paragraph (e) or (f) of regulation 30(1) as references to those sub-paragraphs as modified by paragraph (3)(b)(i) of this regulation.
- (4) Any person may make representations about a DPD made available under regulation 27 or that regulation as modified by paragraph (3)(a) but any such representations must—
- (a) be made within the period which the local planning authority specify for the purposes of regulation 28(2) or this paragraph (as the case may be); and
 - (b) be sent to the address and, if the local planning authority think it appropriate to specify a person, the person, which the local planning authority specify for the purposes of regulation 28(2) or this paragraph (as the case may be).
- (5) Nothing in paragraph (2)(e) requires a local planning authority to take any step mentioned in paragraph (3) if an equivalent step has been taken under regulation 27, 28 or 30 before receipt of the direction.
- (6) Of the documents and statements which a local planning authority are required to send to the Secretary of State under paragraph (3)(b)—
- (a) a copy of each must be sent in paper form;
 - (b) a copy of those mentioned in regulation 30(1)(a), (c) and (d), regulation 30(1)(e) (as modified by paragraph (3)(b) of this regulation), and paragraph (3)(b)(ii) of this regulation must be sent electronically; and
 - (c) if practicable, a copy of the others must be sent electronically.]

Textual Amendments

F28 Reg. 40 substituted (27.6.2008) by [The Town and Country Planning \(Local Development\) \(England\) \(Amendment\) Regulations 2008 \(S.I. 2008/1371\)](#), regs. 1(1), **2(17)** (with reg. 3)

Changes proposed by the Secretary of State to development plan documents (call-in)

41.—(1) If the Secretary of State proposes to depart from the recommendations of the person appointed to carry out an examination under section 20 [^{F29}or 21(5)(b)], he must publish—

- (a) the changes he proposes to make, and
- (b) his reasons for doing so.

(2) As soon as reasonably practicable after the Secretary of State complies with paragraph (1) the local planning authority must—

- (a) make copies of the changes and reasons and a statement of the matters in paragraph (3) available for inspection during normal office hours at the places at which the [^{F30}proposed submission] documents were made available under [^{F31}regulation 27(a)];
- (b) publish on their website—
 - (i) the changes and reasons,
 - (ii) the matters in paragraph (3),
 - (iii) a statement of the fact that the changes and reasons are available for inspection and the places and times at which they can be inspected;
- (c) send copies of the changes and reasons to the bodies in paragraph (4) and notify these bodies of the matters in paragraph (3); and
- (d) give notice by local advertisement of—
 - (i) the matters in paragraph (3),
 - (ii) the fact that the changes and reasons are available for inspection and the places and times at which they can be inspected.

(3) The matters referred to in paragraph (2) are—

- (a) the period within which representations on the changes must be made;
- (b) the address to which and, where appropriate, the person to whom representations (whether made by way of electronic communications or otherwise) must be sent; and
- (c) a statement that any representations made may be accompanied by a request to be notified at a specified address of the Secretary of State's decision under section 21(9)(a).

(4) The bodies referred to in paragraph (2)(c) are—

- (a) each of the specific consultation bodies to the extent that the Secretary of State thinks the changes affect the body; and
- (b) such of the general consultation bodies as the Secretary of State considers appropriate.

Textual Amendments

F29 Words in reg. 41(1) inserted (27.6.2008) by [The Town and Country Planning \(Local Development\) \(England\) \(Amendment\) Regulations 2008 \(S.I. 2008/1371\)](#), regs. 1(1), **2(18)(a)** (with reg. 3)

F30 Words in reg. 41(2)(a) substituted (27.6.2008) by [The Town and Country Planning \(Local Development\) \(England\) \(Amendment\) Regulations 2008 \(S.I. 2008/1371\)](#), regs. 1(1), **2(18)(b)(i)** (with reg. 3)

F31 Words in reg. 41(2)(a) substituted (27.6.2008) by [The Town and Country Planning \(Local Development\) \(England\) \(Amendment\) Regulations 2008 \(S.I. 2008/1371\)](#), regs. 1(1), **2(18)(b)(ii)** (with reg. 3)

Representations on proposed changes (call-in)

42.—(1) Any person may make representations on the changes the Secretary of State proposes to make by sending them to the address and, where appropriate, the person specified pursuant to regulation 41(2) within the period of 6 weeks starting on the day on which the Secretary of State complies with regulation 41(1).

(2) Before the Secretary of State complies with section 21(9)(a) he must consider any representations made in accordance with paragraph (1).

Publication of the recommendations of the person appointed to carry out the independent examination (call-in)

43. As soon as reasonably practicable after the Secretary of State complies with section 21(6), the local planning authority must—

- (a) make the recommendations and reasons of the person appointed to carry out the examination available for inspection during normal office hours at the places at which the [^{F32}proposed submission] documents were made available under [^{F33}regulation 27(a)]
- (b) publish the recommendations and reasons on their [^{F34}website; and]
- [^{F35}(c) give notice to those persons who requested to be notified of the publication of the recommendations of the person appointed that they have been so published.]

Textual Amendments

- F32** Words in reg. 43(a) substituted (27.6.2008) by [The Town and Country Planning \(Local Development\) \(England\) \(Amendment\) Regulations 2008 \(S.I. 2008/1371\)](#), regs. 1(1), **2(19)(a)(i)** (with reg. 3)
- F33** Words in reg. 43(a) substituted (27.6.2008) by [The Town and Country Planning \(Local Development\) \(England\) \(Amendment\) Regulations 2008 \(S.I. 2008/1371\)](#), regs. 1(1), **2(19)(a)(ii)** (with reg. 3)
- F34** Words in reg. 43(b) substituted (27.6.2008) by [The Town and Country Planning \(Local Development\) \(England\) \(Amendment\) Regulations 2008 \(S.I. 2008/1371\)](#), regs. 1(1), **2(19)(b)** (with reg. 3)
- F35** Reg. 43(c) added (27.6.2008) by [The Town and Country Planning \(Local Development\) \(England\) \(Amendment\) Regulations 2008 \(S.I. 2008/1371\)](#), regs. 1(1), **2(19)(c)** (with reg. 3)

Secretary of State's decision after section 21(4) direction (call-in)

44. As soon as reasonably practicable after the Secretary of State approves, approves subject to modifications or rejects a DPD or part of it (as the case may be) in accordance with section 21(9) (a), the local planning authority must—

- (a) make available for inspection during normal office hours at the places at which the [^{F36}proposed submission] documents were made available under [^{F37}regulation 27(a)]—
 - (i) the DPD and the reasons given by the Secretary of State pursuant to section 21(9)(b),
 - (ii) a decision statement,
- (b) publish the decision statement on their website,
- (c) give notice by local advertisement of—
 - (i) the decision statement,
 - (ii) the fact that the DPD and the Secretary of State's reasons are available for inspection and the places where and times when the document and reasons can be inspected, and
- (d) send the decision statement to any person who has asked to be notified of the Secretary of State's decision under section 21(9)(a).

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Changes to legislation: There are currently no known outstanding effects for the The Town and Country Planning (Local Development) (England) Regulations 2004 (revoked). (See end of Document for details)

Textual Amendments

- F36** Words in reg. 44(a) substituted (27.6.2008) by [The Town and Country Planning \(Local Development\) \(England\) \(Amendment\) Regulations 2008 \(S.I. 2008/1371\)](#), regs. 1(1), **2(20)(a)** (with reg. 3)
- F37** Words in reg. 44(a) substituted (27.6.2008) by [The Town and Country Planning \(Local Development\) \(England\) \(Amendment\) Regulations 2008 \(S.I. 2008/1371\)](#), regs. 1(1), **2(20)(b)** (with reg. 3)

[^{F38} Removal of documents after rejection of a development plan document

44A.—(1) This regulation applies where—

- (a) the Secretary of State rejects a DPD under section 21(9)(a); or
- (b) the Secretary of State rejects part of a DPD under section 21(9)(a) and the local planning authority decide not to proceed with the remainder.

(2) The local planning authority must, as soon as reasonably practicable after the end of the period specified in paragraph (3), remove from their website and from the places at which they were made available any copies, documents, matters and statements made available or published under regulation 27(a) or (b), 30(3)(a), (3)(b) or 34(2)(a).

(3) The period mentioned in paragraph (2) is—

- (a) in the circumstances mentioned in paragraph (1)(a), three months after the date of the Secretary of State's rejection of the DPD; or
- (b) in the circumstances mentioned in paragraph (1)(b), three months after the date of the local planning authority's decision.]

Textual Amendments

- F38** Reg. 44A inserted (27.6.2008) by [The Town and Country Planning \(Local Development\) \(England\) \(Amendment\) Regulations 2008 \(S.I. 2008/1371\)](#), regs. 1(1), **2(21)** (with reg. 3)

[^{F39} Secretary of State's default power

45.—(1) Where the Secretary of State prepares a DPD under section 27 he must—

- (a) comply with section 19(2) as if—
 - (i) the duty imposed on the local planning authority were imposed on the Secretary of State,
 - (ii) references in paragraphs (b) to (h) to the local planning authority (in whatever terms) were references to the local planning authority in question, and
 - (iii) paragraph (j) referred to the matters specified in regulation 15(1), treating references to the local planning authority as references to the local planning authority in question;
- (b) comply, to the extent (if any) that he thinks appropriate, with section 19(3) as if the reference to the authority were a reference to the Secretary of State and the reference to their statement of community of involvement were a reference to the statement of community involvement of the local planning authority in question;
- (c) comply with section 19(5) as if the reference to the local planning authority were a reference to the Secretary of State and as if the reference to each document were to the DPD;

- (d) take the steps mentioned in paragraph (2);
 - (e) if the area of the local planning authority in question is in Greater London, request the Mayor of London for his opinion as to the general conformity of the DPD with the spatial development strategy; and
 - (f) if the area of the local planning authority in question is in a region other than Greater London, request the RPB (if any) for that region for its opinion as to the general conformity of the DPD with the RSS for the region.
- (2) The Secretary of State must—
- (a) comply with regulation 25 as if—
 - (i) references to a local planning authority (in whatever terms) were references to the Secretary of State,
 - (ii) in paragraph (3), for “their area” there were substituted “the area of the local planning authority in question”,
 - (iii) in the definitions of “general consultation bodies” and “specific consultation bodies” in regulation 2(1) the references to a local planning authority’s area (in whatever terms) were references to the area of the local planning authority in question, and
 - (iv) in regulation 2(1), there were inserted the following definition—
 - ““the area of the local planning authority in question”, as regards a local planning authority in relation to which the Secretary of State is taking action under section 27, means that authority’s area;””;
 - (b) comply with regulation 27 as if—
 - (i) the reference to submitting a DPD to the Secretary of State under section 20 were a reference to holding an independent examination of the DPD under section 27(2) and the reference to the local planning authority were a reference to the Secretary of State,
 - (ii) the obligation in paragraph (a) were to make available for inspection the things in question, during normal office hours, at such places as the Secretary of State considers appropriate,
 - (iii) in the definition of “by local advertisement” in regulation 2(1), the reference to the local planning authority were a reference to the local planning authority in question,
 - (iv) in the first definition of “proposed submission documents”, and in the definition of “statement of the representations procedure”, in regulation 24(2), for “which the local planning authority propose to submit to the Secretary of State” there were substituted “in respect of which the Secretary of State proposes to hold an independent examination”,
 - (v) in paragraph (a)(ii) of the first definition of “proposed submission documents” in regulation 24(2), for “adoption” there were substituted “approval”,
 - (vi) the report mentioned in paragraph (a)(iii) of that definition were the report prepared by the Secretary of State under paragraph (1)(c) of this regulation,
 - (vii) the reference to the local planning authority in paragraph (a)(v) of that definition were a reference to the Secretary of State,
 - (viii) in paragraph (c) of the definition of “statement of the representations procedure” in regulation 24(2), the reference to regulation 28(2) were a reference to paragraph (3) of this regulation,
 - (ix) in paragraph (d) of that definition, the reference to regulation 28(2) were a reference to paragraph (3) of this regulation, and

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Changes to legislation: There are currently no known outstanding effects for the The Town and Country Planning (Local Development) (England) Regulations 2004 (revoked). (See end of Document for details)

- (x) in paragraph (f) of that definition, sub-paragraph (i) were omitted and the reference to the adoption of the DPD were a reference to the Secretary of State's decision under section 27(4)(b) whether or not to approve the DPD;
- (c) before he holds an independent examination of the DPD under section 27(2), comply with regulation 30(3)(a) to (e) as if—
 - (i) the document mentioned in regulation 30(1)(a) were the report prepared by the Secretary of State under paragraph (1)(c) of this regulation,
 - (ii) for regulation 30(1)(b) there were substituted “(b) if the approval of the DPD would result in changes to the adopted proposals map, a map showing those changes;”,
 - (iii) in regulation 30(1)(c), the reference to the local planning authority were a reference to the local planning authority in question,
 - (iv) in regulation 30(1)(d), the reference to the local planning authority were a reference to the Secretary of State,
 - (v) in regulation 30(1)(e) and (f), the reference to section 28(2) were a reference to paragraph (3) of this regulation,
 - (vi) in regulation 30(1)(g), the reference to the authority were a reference to the Secretary of State, and
 - (vii) in the definition of “by local advertisement” in regulation 2(1), the reference to the local planning authority were a reference to the local planning authority in question; and
- (d) if a person requests the opportunity to appear and be heard by the person carrying out the independent examination under section 27(2), comply with regulation 34(2) as if—
 - (i) the reference to the local planning authority were a reference to the Secretary of State,
 - (ii) the reference to regulation 28(2) were a reference to paragraph (3) of this regulation, and
 - (iii) in the definition of “by local advertisement” in regulation 2(1), the reference to the local planning authority were a reference to the local planning authority in question.
- (3) Any person may make representations about a DPD made available under regulation 27 as modified by paragraph (2)(b) but any such representations must—
 - (a) be made within the period which the Secretary of State specifies for the purposes of this paragraph; and
 - (b) be sent to the address and, if the Secretary of State thinks it appropriate to specify a person, the person, which he specifies for the purposes of this paragraph.
- (4) Where the Secretary of State holds an independent examination under section 27(2) regulation 31 shall apply as if the reference to regulation 28(2) were a reference to paragraph (3) of this regulation.
- (5) Regulations 41, 42 and 44 shall apply where the Secretary of State holds an independent examination under section 27(2) as if—
 - (a) references to the local planning authority were references to the Secretary of State;
 - (b) in the definition of “by local advertisement” in regulation 2(1), the reference to the local planning authority were a reference to the local planning authority in question;
 - (c) the reference in regulation 41(1) to section 20 or 21(5)(b) were a reference to section 27(2);
 - (d) the reference in regulation 41(3)(c) to the Secretary of State's decision under section 21(9) (a) were a reference to the Secretary of State's decision under section 27(4)(b) whether or not to approve the DPD;

- (e) the reference in regulation 42(2) to complying with section 21(9)(a) were a reference to deciding whether to approve the DPD under section 27(4)(b); and
 - (f) the duties imposed by regulation 44 applied as soon as reasonably practicable after the Secretary of State decides whether or not to approve the DPD under section 27(4)(b), the reference in that regulation to section 21(9)(b) were a reference to section 27(5) and the reference to the Secretary of State's decision under section 21(9)(a) were a reference to the Secretary of State's decision under section 27(4)(b) whether or not to approve the DPD.
- (6) This regulation applies to the revision of a DPD by the Secretary of State as it applies to the preparation of a DPD by the Secretary of State.
- (7) In this regulation "the local planning authority in question" means the local planning authority in relation to which the Secretary of State is taking action under section 27.

Textual Amendments

F39 Regs. 45, 45A substituted for reg. 45 (27.6.2008) by [The Town and Country Planning \(Local Development\) \(England\) \(Amendment\) Regulations 2008 \(S.I. 2008/1371\)](#), regs. 1(1), **2(22)** (with reg. 3)

Provision supplementary to regulation 45

45A.—(1) The Secretary of State must make a request under regulation 45(1)(e) or (f) before he holds an independent examination under section 27(2) in relation to the DPD or the revision.

(2) Where the Secretary of State makes such a request, the RPB or the Mayor of London (as the case may be) must send its opinion to the Secretary of State within the period of six weeks starting on the day the request is made.

(3) The period which the Secretary of State specifies for the purpose of regulation 45(3) must be a period of not less than six weeks starting on the day on which notice given pursuant to paragraph (e) of regulation 27 is first published.

(4) The Secretary of State must comply with section 27(3)—

- (a) at the same time as he complies with regulation 41; or
- (b) if he does not propose to depart from the recommendations of the person appointed to carry out an examination of the DPD, as soon as reasonably practicable after he decides whether or not to approve the DPD or revision under section 27(4)(b).

(5) When the Secretary of State complies with regulation 27(3) he must—

- (a) make the recommendation and the reasons of the person appointed to carry out the examination available for inspection during normal office hours at such places as he thinks appropriate;
- (b) publish the recommendations and reasons on his website; and
- (c) give notice to those persons who requested to be notified of the publication of the recommendations of the person appointed that they have been so published.]

Textual Amendments

F39 Regs. 45, 45A substituted for reg. 45 (27.6.2008) by [The Town and Country Planning \(Local Development\) \(England\) \(Amendment\) Regulations 2008 \(S.I. 2008/1371\)](#), regs. 1(1), **2(22)** (with reg. 3)

PART 7

CORRESPONDING DOCUMENTS AND CORRESPONDING SCHEMES

Joint local development documents: corresponding documents

46.—(1) In relation to an agreement mentioned in section 28(1), the period prescribed for the purposes of section 28(9) is 3 months starting on the day on which any local planning authority which is a party to the agreement withdraws from it.

(2) A corresponding document for the purposes of section 28(7) is a document which—

- (a) does not relate to any part of the area of the authority that has withdrawn from the agreement; and
- (b) with respect to the areas of the local planning authorities which prepared it, has substantially the same effect as the original joint document.

(3) In paragraph (2)(b) “original joint document” means a joint LDD prepared pursuant to the agreement mentioned in paragraph (1).

Joint committees: corresponding documents and corresponding schemes

47.—(1) The period prescribed for the purposes of section 31(6) is 3 months starting on the day on which the Secretary of State revokes under section 31(2) an order under section 29 (joint committees).

(2) Subject to paragraph (5), for the purposes of section 31(3) and (6) a corresponding document is a document which—

- (a) does not relate to any part of the area of the constituent authority which requested the revocation of the order; and
- (b) with respect to the area of the successor authority, has substantially the same effect as the original LDD.

(3) For the purposes of section 31(3), a corresponding scheme is a scheme of a successor authority which—

- (a) specifies a document that is a corresponding document for the purposes of section 31(3), but
- (b) does not specify the original LDD,

as a document which is to be an LDD.

(4) In paragraph (3)(b) “original LDD” means an LDD prepared by the joint committee constituted by the order under section 29.

(5) Paragraph (2)(a) does not apply where the constituent authority is a county council for which there is also a district council.

PART 8

ANNUAL MONITORING REPORT

Annual monitoring report

48.—(1) The period prescribed for the purposes of section 35(3)(a) is the period of twelve months commencing on 1st April in each year and ending on 31st March in the following year.

(2) The time prescribed for the purposes of section 35(3)(b) is nine months after the end of the period in respect of which the report is made.

(3) An annual report must contain the following information—

- (a) the title of the documents specified in the authority's local development scheme;
- (b) in relation to each of those documents—
 - (i) the timetable specified in the authority's scheme for the document's preparation,
 - (ii) the information referred to in regulation 8(b)(i) and (ii) or (c)(ii) (as the case may be),
 - (iii) where, within the period in respect of which the report is made, the first step has been taken in the preparation of the document—
 - (aa) the stage the document has reached in its preparation,
 - (bb) if the document's preparation is behind the timetable mentioned in paragraph (i) the reasons for this, and
 - (cc) a timetable relating to the further steps that are likely to be taken for the preparation of the document;
- (c) where any document specified in the authority's local development scheme has been adopted or approved within the period in respect of which the report is made, a statement of that fact and of the date of adoption or approval;
- (d) the title of any local development order adopted by the authority under section 61A of the Town and Country Planning Act 1990^{M19};
- (e) in relation to any such order—
 - (i) a statement of the authority's reasons for making the order,
 - (ii) a statement about the effect of the order and a comparison of that with the reasons given in the statement to be provided pursuant to paragraph (e)(i);
- (f) where the authority have revoked any local development order, a statement of the title of the order and the authority's reasons for revoking it.

(4) Where an authority are not implementing a policy specified in a DPD or an old policy as defined in paragraph 1(4) of Schedule 8 to the Act, the annual report must identify that policy.

(5) Where an annual report identifies a policy pursuant to paragraph (4) the report must include a statement of—

- (a) the reasons why the authority are not implementing the policy;
- (b) the steps (if any) that the authority intend to take to secure that the policy is implemented; and
- (c) whether the authority intend to prepare a DPD or a revision of the DPD (as the case may be) to replace or amend the policy.

(6) Paragraph (7) applies where a policy specified in a DPD or an old policy specifies—

- (a) an annual number, or
- (b) a number relating to any other period specified in—
 - (i) the DPD, or
 - (ii) the development plan for the purposes of paragraph 1(1) of Schedule 8 to the Act, of net additional dwellings in any part of the area of the authority.

(7) Where this paragraph applies, the annual report must specify the number of dwellings built in the part of the authority's area concerned—

- (a) in the period in respect of which the report is made, and

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Changes to legislation: There are currently no known outstanding effects for the The Town and Country Planning (Local Development) (England) Regulations 2004 (revoked). (See end of Document for details)

(b) since the policy referred to in paragraph (6) was first published, adopted or approved.

(8) As soon as reasonably practicable after an authority make an annual report to the Secretary of State they must publish the report on their website.

Marginal Citations

M19 1990 c. 8. Section 61A was inserted by section 40 of the [Planning and Compulsory Purchase Act 2004](#) (c. 5).

PART 9

AVAILABILITY OF DOCUMENTS

Availability of documents: general

49.—(1) This regulation does not apply to a document or revision which is made available or published under regulation 50.

(2) Copies, documents, representations, directions, matters, notices or statements which under these Regulations are—

- (a) made available for inspection, or
- (b) published on a website,

may be removed at the time specified in paragraph (3).

(3) The time mentioned in paragraph (2)—

- (a) where the copies, documents, representations, directions, matters, notices or statements relate to an SPD or to the local planning authority's statement of community involvement, is 3 months after the day on which the SPD or statement of community involvement is adopted;
- (b) where the copies, documents, representations, directions, matters, notices or statements relate to a DPD, is the end of the period of six weeks referred to in section 113(4) (period for challenging the validity of relevant documents) that applies as regards the DPD concerned.

Availability of adopted or approved local development documents

50.—(1) Paragraph (2) applies where a local planning authority adopt, or the Secretary of State approves, an LDD.

(2) As soon as reasonably practicable after the document is adopted or approved the authority must—

- (a) make a copy of the LDD available for inspection at their principal office during normal office hours;
- (b) publish the LDD on their website.

(3) Paragraph (4) applies where a local planning authority adopt, or the Secretary of State approves, a revision of an LDD.

(4) As soon as reasonably practicable after the revision is adopted or approved the authority must incorporate the revision into the LDD made available for inspection and published under paragraph (2).

(5) Where the Secretary of State or a local planning authority revoke an LDD, within 2 weeks of the date on which the LDD was revoked the authority must—

- (a) publish a statement of that fact on their website;
- (b) remove the copy of the LDD made available for inspection and published under paragraph (2);
- (c) take such other steps as they consider necessary to draw the revocation of the LDD to the attention of persons living or working in their area; and
- (d) if the document is a DPD, give notice of the revocation of the LDD by local advertisement.

Copies of documents

51.—(1) Where—

- (a) a person makes a document available for inspection under these Regulations,
- (b) that document is not published pursuant to a requirement of Part 2 of the Act, and
- (c) the person is asked by another person for a copy of that document,

the person first-mentioned must provide a copy of the document to that other person as soon as reasonably practicable after receipt of that other person's request.

(2) Any person who provides a copy—

- (a) under paragraph (1), or
- (b) of a document published as required by or under Part 2 of the Act,

may make a reasonable charge for the copy.

Signed by authority of the First Secretary of State

Nick Raynsford
Minister of State, Office of the Deputy Prime
Minister

Status: Point in time view as at 27/06/2008.

Changes to legislation: There are currently no known outstanding effects for the The Town and Country Planning (Local Development) (England) Regulations 2004 (revoked). (See end of Document for details)

EXPLANATORY NOTE

(This note is not part of the Regulations)

Part 2 of the Planning and Compulsory Purchase Act 2004 (“the Act”) establishes a new system of local development planning in England. These Regulations make provision for the operation of that system.

The Regulations prescribe the form and content of the local development scheme (to be prepared by local planning authorities (“LPAs”)) and the procedure to be followed to bring it into effect (Part 3). The Act provides for two forms of local development documents (“LDDs”):- supplementary planning documents (“SPDs”) and development plan documents (“DPDs”). The Regulations prescribe the form and content of LDDs (Part 4) and regulate the procedure to be followed in their preparation.

The main steps in the SPD procedure are—

- publication of the SPD and consultation with certain bodies about it (regulation 17);
- consideration of representations made about the SPD (regulation 18);
- adoption of the SPD by the LPA (regulation 19).

There are also provisions about the withdrawal or revocation of SPDs (regulations 20 and 21) and the intervention of the Secretary of State in the SPD preparation process (regulations 22 and 23).

The main steps in the DPD procedure are—

- publication of the proposals for a DPD and consultation with certain bodies about those proposals (regulations 25 and 26);
- consideration of representations made about the DPD proposals (regulation 27);
- submission of the DPD to the Secretary of State (regulation 28);
- representations made about the DPD (regulation 29);
- independent examination of the DPD, including consideration of representations made, by a person appointed by the Secretary of State (regulation 34);
- publication of the recommendations of the person appointed to carry out the examination (regulation 35);
- adoption of the DPD by the LPA (regulation 36).

There are also provisions about how different forms of representation on a DPD are to be handled (regulations 31 and 32), about the withdrawal of a DPD (regulation 37) and the intervention of the Secretary of State in the DPD preparation process (including provisions about DPDs directed by the Secretary of State to be submitted for his consideration) (regulations 38 to 45).

The Regulations also make provision for the preparation of joint LDDs (regulation 46) and the operation of joint committees (comprising two or more local planning authorities) (regulation 47). They also require the preparation by the LPA of an annual monitoring report (regulation 48), make provision about electronic communications (regulation 4) and about the availability of documents (Part 9).

The Regulations apply to county councils for the purposes of minerals and waste development planning as they apply to LPAs for local development planning purposes.

Status:

Point in time view as at 27/06/2008.

Changes to legislation:

There are currently no known outstanding effects for the The Town and Country Planning (Local Development) (England) Regulations 2004 (revoked).