

---

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Town and Country Planning (Local Development) (England) Regulations 2004 (“the 2004 Regulations”) which make provision relating to the system of local development planning established by Part 2 of the Planning and Compulsory Purchase Act 2004 (“the 2004 Act”). Section 180 of the Planning Act 2008 (“the 2008 Act”) amends the 2004 Act with respect to local development schemes and local development documents (“LDDs”).

The amendments in regulation 2, with the exception of those in paragraphs 2(a) to (d) and (5) and (9) are in consequence of the amendments to the 2004 Act. The Homes and Communities Agency is also added as a specific consultation body following that body’s establishment by the Housing and Regeneration Act 2008.

Regulation 2(2) amends the definition of “specific consultation bodies” in regulation 2(1) of the 2004 Regulations to include the Homes and Communities Agency and to make explicit that the duty to consult the Secretary of State for Transport relates to the Secretary of State’s functions in relation to highways and railways.

Regulation 2(3) amends regulation 6 of the 2004 Regulations so that the documents originally required to be specified in a local development scheme are now to be LDDs. Under the amended section 15 of the 2004 Act, a scheme need not include all LDDs: only those LDDs which are development plan documents.

Regulation 2(4) amends regulation 8 of the 2004 Regulations as a consequence of the removal of the duty to specify LDDs other than development plan documents in a local development scheme.

Regulation 2(5) and (6) amends regulations 16 and 17 of the 2004 Regulations as a consequence of the removal of the duty to provide a sustainability appraisal report for LDDs other than development plan documents.

Regulation 2(7) amends regulation 24 of the 2004 Regulations as a consequence of the removal of the duty to submit the statement of community involvement to the Secretary of State under section 20 of the 2004 Act.

Regulation 2(8) amends regulation 26 of the 2004 Regulations to remove the duty to consult the Secretary of State for Transport in relation to statements of community involvement.

Regulation 2(9) and 2(10) amends regulations 27 and 30 of the 2004 Regulations as a consequence of the removal of the duty to submit the statement of community involvement to the Secretary of State under section 20 of the 2004 Act.

An Impact Assessment has not been prepared for these Regulations as they have no additional impact on business, charities or the public sector beyond that examined in the Impact Assessment that accompanied the Planning Bill when it was introduced in Parliament on 27<sup>th</sup> November 2007. A copy of this assessment was placed in the Library of each House of Parliament and can be found on the Communities and Local Government website (<http://www.communities.gov.uk>).