

**EXPLANATORY MEMORANDUM TO**  
**THE TOWN AND COUNTRY PLANNING (LOCAL PLANNING) (ENGLAND)**  
**(AMENDMENT) REGULATIONS 2012**

**2012 No. 2613**

1. This explanatory memorandum has been prepared by the Department for Environment Food and Rural Affairs and is laid before Parliament by Command of Her Majesty.

**2. Purpose of the instrument**

2.1 Each person bound by the duty to co-operate under the Planning and Compulsory Purchase Act 2004 must co-operate with and have regard to the activities of prescribed bodies. This instrument amends the Town and Country Planning (Local Planning) (England) Regulations 2012 to include each Local Nature Partnership as such a prescribed body.

**3. Matters of special interest to the [Joint Committee on Statutory Instruments *or* the Select Committee on Statutory Instruments]**

None

**4. Legislative Context**

4.1 Section 33A of the Planning and Compulsory Purchase Act 2004 (the Act) imposes a duty on local planning authorities, county councils and prescribed bodies to co-operate with each other and persons prescribed under section 33A(9) of the Act in relation to planning of sustainable development. Each body bound by this duty must also have regard to the activities of persons prescribed under section 33A(9), so far as relevant to such planning activities. The Town and Country Planning (Local Planning) (England) Regulations 2012 (“Principal Regulations”) currently prescribe each Local Enterprise Partnership for the purposes of section 33A(9).

4.2 In his Written Ministerial Statement laid with the Principal Regulations, which came into force in April 2012, the Minister for Decentralisation and Cities announced the government’s intention of amending the Principal Regulations to include Local Nature Partnerships as bodies prescribed under section 33A(9), as soon as possible after Local Nature Partnerships have been designated in summer 2012.

**5. Territorial Extent and Application**

This instrument applies to England.

## **6. European Convention on Human Rights**

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## **7. Policy background**

7.1 The Localism Act 2011 made a number of amendments to the Planning and Compulsory Purchase Act 2004. This included the insertion of section 33A which created a duty imposed on local planning authorities, county councils and prescribed persons to co-operate with each other and with bodies prescribed under section 33A(9) in relation to the planning of sustainable development. Each person bound by this duty must also have regard to the activities of bodies prescribed under section 33A(9) so far as they are relevant to such planning activities.

7.2 The Principal Regulations prescribe the bodies for the purposes of section 33A(9). When the Principal Regulations were made in April 2012, Local Nature Partnerships did not exist though the intention was to add them after the first ones had been designated. The first Local Nature Partnerships were designated in July 2012.

7.3 'Local Nature Partnership' means a body, designated by the Secretary of State which is established for the purpose of protecting and improving the natural environment in an area and the benefits derived from it.

## **8. Consultation outcome**

8.1 There has been no consultation on this amendment to the regulations. However, the idea for Local Nature Partnerships derived from stakeholder responses to the consultation on the Natural Environment White Paper.

## **9. Guidance**

9.1 There is currently no guidance on this amendment to the Principal Regulations.

## **10. Impact**

10.1 An Impact Assessment has not been prepared for this instrument as it will have little significant impact on business, charities or voluntary bodies.

10.2 The impact on the public sector is minimal. Local Nature Partnerships will have the same standing as Local Enterprise Partnerships in relation to strategic planning matters.

**11. Regulating small business**

11.1 The amendment to the regulations does not apply to small businesses

**12. Monitoring & review**

12.1 No monitoring or review of these regulations is anticipated.

**13. Contact**

Kim Martin at the Department for Environment Food and Rural Affairs Tel: 0207 238 5910 or email: [kim.martin@defra.gsi.gov.uk](mailto:kim.martin@defra.gsi.gov.uk) can answer any queries regarding the instrument.