
STATUTORY INSTRUMENTS

2012 No. 767

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

PART 1

General

Citation, commencement and application

1.—(1) These Regulations may be cited as the Town and Country Planning (Local Planning) (England) Regulations 2012 and come into force on 6th April 2012.

(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;

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

“adopted policies map” means a document of the description referred to in regulation 9;

“electronic communication” has the same meaning as in section 15(1) of the Electronic Communications Act 2000 ^{M1};

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

“electronic communications code” has the same meaning as in section 106(1) of the Communications Act 2003 ^{M2};

“general consultation bodies” means the following—

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

“inspection” means inspection by the public;

Status: Point in time view as at 01/10/2016.

Changes to legislation: There are currently no known outstanding effects for the The Town and Country Planning (Local Planning) (England) Regulations 2012. (See end of Document for details)

“local plan” means any document of the description referred to in regulation 5(1)(a)(i), (ii) or (iv) or 5(2)(a) or (b), and for the purposes of section 17(7)(a) of the Act these documents are prescribed as development plan documents;

“local policing body” means—

- (a) a police and crime commissioner (in relation to a police area listed in Schedule 1 to the Police Act 1996 ^{M3});
- (b) the Mayor's Office for Policing and Crime (in relation to the metropolitan police district);
- (c) the Common Council (in relation to the City of London police area);

[^{F1}“neighbourhood forum” means an organisation or body designated as such under section 61F(3) of the Town and Country Planning Act 1990;]

“Ordnance Survey map” means an Ordnance Map or a map on a similar base at a registered scale;

“relevant authority” means—

- (a) a local planning authority ,
- (b) a county council referred to in section 16(1) of the Act,
- (c) a parish council,
- (d) a local policing body;

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

“specific consultation bodies” means the following—

- (a) the Coal Authority ^{M4},
- (b) the Environment Agency ^{M5},
- (c) the Historic Buildings and Monuments Commission for England (known as English Heritage) ^{M6},
- (d) the Marine Management Organisation ^{M7},
- (e) Natural England ^{M8},
- (f) Network Rail Infrastructure Limited (company number 2904587),
- (g) [^{F2}a strategic highways company (for the time being appointed under Part 1 of the Infrastructure Act 2015) any part of whose area is in or adjoins the area of the local planning authority;
- (ga) where the Secretary of State is the highway authority for any highway in the area of the local planning authority, the Secretary of State for Transport;]
- (h) a relevant authority any part of whose area is in or adjoins the local planning authority's area,
- (ha) [^{F3}a relevant authority any part of whose area is in or adjoins the local planning authority's area,]
- (i) any person—
 - (i) to whom the electronic communications code applies by virtue of a direction given under section 106(3)(a) of the Communications Act 2003, and
 - (ii) who owns or controls electronic communications apparatus situated in any part of the local planning authority's area,
- (j) if it exercises functions in any part of the local planning authority's area—

- (i) [^{F4}a clinical commissioning group established under section 14D of the National Health Service Act 2006;
 - (ia) the National Health Service Commissioning Board;]
 - (ii) a person to whom a licence has been granted under section 6(1)(b) or (c) of the Electricity Act 1989 ^{M9};
 - (iii) a person to whom a licence has been granted under section 7(2) of the Gas Act 1986 ^{M10};
 - (iv) a sewerage undertaker; and
 - (v) a water undertaker;
 - (k) the Homes and Communities Agency ^{M11}; and
 - (l) where the local planning authority are a London borough council, the Mayor of London;
- “submission policies map” means a map which accompanies a local plan submitted to the Secretary of State under section 20(1) of the Act and which shows how the adopted policies map would be amended by the accompanying local plan, if it were adopted;
- “supplementary planning document” means any document of a description referred to in regulation 5 (except an adopted policies map or a statement of community involvement) which is not a local plan; and
- “sustainability appraisal report” means the report prepared pursuant to section 19(5)(b) of the Act.

(2) These Regulations have effect in relation to the revision of a local plan or a supplementary planning document as they apply to the preparation of a local plan or a supplementary planning document.

(3) These Regulations have effect in relation to a minerals and waste development scheme as they have effect in relation to a local development scheme and for that purpose—

- (a) references to a local development scheme include references to a minerals and waste development scheme, and
- (b) references to a local planning authority include references to a county council within the meaning of section 16(1) of the Act.

Textual Amendments

- F1** Words in [reg. 2\(1\)](#) inserted (1.10.2016) by [The Town and Country Planning \(Local Planning\) \(England\) \(Amendment\) Regulations 2016 \(S.I. 2016/871\)](#), regs. 1(2), **3(a)**
- F2** Words in [reg. 2\(1\)](#) substituted (1.4.2015) by [The Infrastructure Act 2015 \(Strategic Highways Companies\) \(Consequential, Transitional and Savings Provisions\) Regulations 2015 \(S.I. 2015/377\)](#), [reg. 1\(2\)](#), **Sch. para. 54**
- F3** Words in [reg. 2\(1\)](#) inserted (1.10.2016) by [The Town and Country Planning \(Local Planning\) \(England\) \(Amendment\) Regulations 2016 \(S.I. 2016/871\)](#), regs. 1(2), **3(b)**
- F4** Words in [reg. 2\(1\)](#) substituted (1.4.2013) by [The National Treatment Agency \(Abolition\) and the Health and Social Care Act 2012 \(Consequential, Transitional and Saving Provisions\) Order 2013 \(S.I. 2013/235\)](#), art. 1(2), **Sch. 2 para. 169(2)**

Marginal Citations

- M1** [2000 c.7.](#)
- M2** [2003 c.21.](#)
- M3** [1996 c.16.](#)
- M4** [See section 1 of the Coal Industry Act 1994 \(c.21\).](#)

Status: Point in time view as at 01/10/2016.

Changes to legislation: There are currently no known outstanding effects for the The Town and Country Planning (Local Planning) (England) Regulations 2012. (See end of Document for details)

- M5** See section 1 of the [Environment Act 1995 \(c.25\)](#).
M6 See section 32 of the [National Heritage Act 1983 \(c.47\)](#).
M7 See section 1 of the [Marine and Coastal Access Act 2009 \(c.23\)](#).
M8 See section 1 of the [Natural Environment and Rural Communities Act 2006 \(c.16\)](#).
M9 [1989 c.29](#). There are amendments to these provisions which are not relevant to these Regulations.
M10 [1986 c.44](#). There are amendments to these provisions which are not relevant to these Regulations.
M11 See section 2 of the [Housing and Regeneration Act 2008 \(c.17\)](#).

Electronic communications

3.—(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 the recipient's office hours, it is to 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 under the Banking and Financial Dealings Act 1971 ^{M12} or other public holiday in England.

Marginal Citations

M12 [1971 c.80](#).

PART 2

Duty to co-operate

Duty to co-operate

4.—(1) The bodies prescribed for the purposes of section 33A(1)(c) of the Act are—

- (a) the Environment Agency;
- (b) the Historic Buildings and Monuments Commission for England (known as English Heritage);
- (c) Natural England;
- (d) the Mayor of London;
- (e) the Civil Aviation Authority ^{M13};
- (f) the Homes and Communities Agency;

- [^{F5}(g) each clinical commissioning group established under section 14D of the National Health Service Act 2006;
- (ga) the National Health Service Commissioning Board;]
- (h) the [^{F6}Office of Rail and Road]^{M14};
- (i) Transport for London ^{M15};
- (j) each Integrated Transport Authority ^{M16};
- (k) each highway authority within the meaning of section 1 of the Highways Act 1980 ^{M17} (including the Secretary of State, where the Secretary of State is the highways authority); and
- (l) the Marine Management Organisation.
- [^{F7}(2) The bodies prescribed for the purposes of section 33A(9) of the Act are—
- (a) each local enterprise partnership; and
- (b) each local nature partnership.]
- [^{F8}(3) In this regulation—
- “local enterprise partnership” means a body, designated by the Secretary of State, which is established for the purpose of creating or improving the conditions for economic growth in an area; and
- “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.]

Textual Amendments

- F5** Reg. 4(1)(g)(ga) substituted for reg. 4(1)(g) (1.4.2013) by [The National Treatment Agency \(Abolition\) and the Health and Social Care Act 2012 \(Consequential, Transitional and Saving Provisions\) Order 2013 \(S.I. 2013/235\)](#), art. 1(2), **Sch. 2 para. 169(3)**
- F6** Words in reg. 4(1)(h) substituted (16.10.2015) by [The Office of Rail Regulation \(Change of Name\) Regulations 2015 \(S.I. 2015/1682\)](#), reg. 1(2), **Sch. para. 10(ee)**
- F7** Reg. 4(2) substituted (12.11.2012) by [The Town and Country Planning \(Local Planning\) \(England\) \(Amendment\) Regulations 2012 \(S.I. 2012/2613\)](#), regs. 1(1), **2(2)**
- F8** Reg. 4(3) substituted (12.11.2012) by [The Town and Country Planning \(Local Planning\) \(England\) \(Amendment\) Regulations 2012 \(S.I. 2012/2613\)](#), regs. 1(1), **2(3)**

Marginal Citations

- M13** See section 2 of the Civil Aviation Act 1982(c.16).
- M14** See section 15 of the [Railways and Transport Safety Act 2003 \(c.20\)](#).
- M15** See section 154 of the [Greater London Authority Act 1999 \(c.29\)](#).
- M16** See sections 77 and 78 of the [Local Transport Act 2008 \(c.26\)](#).
- M17** 1980 c.66.

PART 3

Local development documents and directions by the Mayor of London

Local development documents

5.—(1) For the purposes of section 17(7)(za)^{M18} of the Act the documents which are to be prepared as local development documents are—

- (a) any document prepared by a local planning authority individually or in cooperation with one or more other local planning authorities, which contains statements regarding one or more of the following—
 - (i) the development and use of land which the local planning authority wish to encourage during any specified period;
 - (ii) the allocation of sites for a particular type of development or use;
 - (iii) any environmental, social, design and economic objectives which are relevant to the attainment of the development and use of land mentioned in paragraph (i); and
 - (iv) development management and site allocation policies, which are intended to guide the determination of applications for planning permission;
- (b) where a document mentioned in sub-paragraph (a) contains policies applying to sites or areas by reference to an Ordnance Survey map, any map which accompanies that document and which shows how the adopted policies map would be amended by the document, if it were adopted.

(2) For the purposes of section 17(7)(za) of the Act the documents which, if prepared, are to be prepared as local development documents are—

- (a) any document which—
 - (i) relates only 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 local planning authority's policies in relation to the area; and
- (b) any other document which includes a site allocation policy.

Marginal Citations

M18 Subsection 17(7)(za) was inserted by section 180(3) of the [Planning Act 2008 \(c.29\)](#).

Local plans

6. Any document of the description referred to in regulation 5(1)(a)(i), (ii) or (iv) or 5(2)(a) or (b) is a local plan.

Direction by the Mayor of London

7.—(1) Where the Mayor of London has given a direction under section [F9 15(3A), 15(4)] or (8) of the Act to a local planning authority they must send a copy of it to the Secretary of State and, notwithstanding regulation 3(1), they must send—

- (a) one copy electronically; and
- (b) two copies in paper form.

(2) The time prescribed for the purposes of section 15(6B), (8B)(b) and (8C)^{M19} of the Act is 3 weeks starting on the day the Mayor of London gives the direction in question.

Textual Amendments

F9 Words in reg. 7(1) substituted (1.10.2016) by [The Town and Country Planning \(Local Planning\) \(England\) \(Amendment\) Regulations 2016 \(S.I. 2016/871\)](#), regs. 1(2), 4

Marginal Citations

M19 Subsections 15(6B), (8B) and (8C) were inserted by section 30 of the [Greater London Authority Act 2007 \(c.24\)](#).

PART 4

Form and content of documents and regard to be had to certain matters

Form and content of local plans and supplementary planning documents: general

8.—(1) A local plan or a supplementary planning document must—

- (a) contain the date on which the document is adopted; and
- (b) indicate whether the document is a local plan or a supplementary planning document.

(2) A local plan or a supplementary planning document must contain a reasoned justification of the policies contained in it.

(3) Any policies contained in a supplementary planning document must not conflict with the adopted development plan.

(4) Subject to paragraph (5), the policies contained in a local plan must be consistent with the adopted development plan.

(5) Where a local plan contains a policy that is intended to supersede another policy in the adopted development plan, it must state that fact and identify the superseded policy.

Form and content of the adopted policies map

9.—(1) The adopted policies map must be comprised of, or contain, a map of the local planning authority's area which must—

- (a) be reproduced from, or be based on, an Ordnance Survey map;
- (b) include an explanation of any symbol or notation which it uses; and
- (c) illustrate geographically the application of the policies in the adopted development plan.

(2) Where the adopted policies map consists of text and maps, the text prevails if the map and text conflict.

Local plans and supplementary planning documents: additional matters to which regard is to be had

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

- (a) policies developed by a local transport authority in accordance with section 108 of the Transport Act 2000^{M20};

Status: Point in time view as at 01/10/2016.

Changes to legislation: There are currently no known outstanding effects for the The Town and Country Planning (Local Planning) (England) Regulations 2012. (See end of Document for details)

- [^{F10}(b) the objectives of preventing major accidents and limiting the consequences of such accidents for human health and the environment by pursuing those objectives through the controls described in Article 13 of Council Directive 2012/18/EU;]
- [^{F11}(c) the need, in the long term—
- (i) to maintain appropriate safety distances between establishments and residential areas, buildings and areas of public use, recreational areas, and, as far as possible, major transport routes;
 - (ii) to protect areas of particular natural sensitivity or interest in the vicinity of establishments, where appropriate through appropriate safety distances or other relevant measures;
 - (ii) in the case of existing establishments, to take additional technical measures, in accordance with Article 5 of Directive 2012/18/EU of the European Parliament and of the Council on the control of major-accident hazards involving dangerous substances, so as not to increase the risks to human health and the environment.]
- (d) the national waste management plan (which has the same meaning as in the Waste (England and Wales) Regulations 2011 ^{M21});
- (e) where a local planning authority's area is adjacent to Wales, the Planning Policy Wales, published by the Welsh Government in February 2011; and
- (f) where a local planning authority's area is adjacent to Scotland, the National Planning Framework for Scotland, published by the Scottish Government in June 2009.
- (2) Expressions appearing both in paragraph (1) and in [^{F12}Directive 2012/18/EU] have the same meaning as in that Directive.

Textual Amendments

- F10** Reg. 10(1)(b) substituted (1.6.2015) by [The Planning \(Hazardous Substances\) Regulations 2015 \(S.I. 2015/627\)](#), reg. 1(1), [Sch. 5 para. 4\(2\)\(a\)](#) (with reg. 34)
- F11** Reg. 10(1)(c) substituted (1.6.2015) by [The Planning \(Hazardous Substances\) Regulations 2015 \(S.I. 2015/627\)](#), reg. 1(1), [Sch. 5 para. 4\(2\)\(b\)](#) (with reg. 34)
- F12** Words in reg. 10(2) substituted (1.6.2015) by [The Planning \(Hazardous Substances\) Regulations 2015 \(S.I. 2015/627\)](#), reg. 1(1), [Sch. 5 para. 4\(2\)\(c\)](#) (with reg. 34)

Marginal Citations

- M20** 2000 c.38.
- M21** S.I. 2011/988.

PART 5

Supplementary planning documents

Application and interpretation of Part 5

11.—(1) This Part applies to supplementary planning documents only.

(2) In this Part—

“adoption statement” means a statement specifying—

- (a) the date on which a supplementary planning document was adopted,
- (b) if applicable, any modifications made pursuant to section 23(1) of the Act,

- (c) that any person with sufficient interest in the decision to adopt the supplementary planning document may apply to the High Court for permission to apply for judicial review of that decision, and
 - (d) that any such application must be made promptly and in any event not later than 3 months after the date on which the supplementary planning document was adopted; and
- “consultation statement” means the statement prepared under regulation 12(a).

Public participation

12. Before a local planning authority adopt a supplementary planning document it must—

- (a) prepare a statement setting out—
 - (i) the persons the local planning authority consulted when preparing the supplementary planning document;
 - (ii) a summary of the main issues raised by those persons; and
 - (iii) how those issues have been addressed in the supplementary planning document; and
- (b) for the purpose of seeking representations under regulation 13, make copies of that statement and the supplementary planning document available in accordance with regulation 35 together with details of—
 - (i) the date by which representations must be made (being not less than 4 weeks from the date the local planning authority complies with this paragraph), and
 - (ii) the address to which they must be sent.

Representations on supplementary planning documents

13.—(1) Any person may make representations about a supplementary planning document.

(2) Any such representations must be received by the local planning authority by the date specified pursuant to regulation 12(b).

Adoption of supplementary planning documents

14. As soon as reasonably practicable after the local planning authority adopt a supplementary planning document they must—

- (a) make available in accordance with regulation 35—
 - (i) the supplementary planning document; and
 - (ii) an adoption statement; and
- (b) send a copy of the adoption statement to any person who has asked to be notified of the adoption of the supplementary planning document.

Revocation or withdrawal of a supplementary planning document

15.—(1) Where a supplementary planning document is withdrawn pursuant to section 22 of the Act the local planning authority must as soon as reasonably practicable—

- (a) make available a statement of that fact in accordance with regulation 35;
- (b) send, to each of the bodies or persons which made representations under regulation 13(2) on the supplementary planning document, notification that the supplementary planning document has been withdrawn, and

Status: Point in time view as at 01/10/2016.

Changes to legislation: There are currently no known outstanding effects for the The Town and Country Planning (Local Planning) (England) Regulations 2012. (See end of Document for details)

- (c) cease to make any documents relating to the withdrawn supplementary planning document (other than the statement mentioned in paragraph (1)(a)) available in accordance with regulation 35.
- (2) A local planning authority may revoke any supplementary planning document.
- (3) Where a supplementary planning document is revoked pursuant to section 25 of the Act the local planning authority must as soon as reasonably practicable—
 - (a) cease to make any documents relating to the revoked supplementary planning document available in accordance with regulation 35; and
 - (b) take such other steps as it considers necessary to draw the revocation of the supplementary planning document to the attention of persons living or working in their area.

Direction in respect of a supplementary planning document

- 16.**—(1) The Secretary of State may at any time direct a local planning authority —
- (a) not to adopt a supplementary planning document until the Secretary of State decides whether to give a direction under section 21(1) of the Act; and
 - (b) to send to the Secretary of State a copy of the supplementary planning document made available under regulation 12(b).
- (2) A direction made under paragraph (1) is treated as withdrawn on the date on which the local planning authority receive—
- (a) a statement that the Secretary of State does not intend to give a direction under section 21(1) of the Act; or
 - (b) a direction from the Secretary of State under section 21(1) of the Act.
- (3) If the Secretary of State gives a direction under section 21(1) of the Act in respect of a supplementary planning document, the local planning authority must—
- (a) make a copy of the direction and the supplementary planning document available in accordance with regulation 35; and
 - (b) at the time they comply with regulation 14, make—
 - (i) the supplementary planning document; and
 - (ii) a statement that the Secretary of State has withdrawn the direction, or a copy of the Secretary of State's notice under section 21(2)(b) of the Act, available in accordance with regulation 35.

PART 6

Local plans

Application and interpretation of Part 6

- 17.** In this Part—
- “adoption statement” means a statement specifying—
- (a) the date on which a local plan was adopted,
 - (b) if applicable, any modifications made pursuant to section 23(2) or (3) of the Act,
 - (c) that any person aggrieved by the local plan may make an application to the High Court under section 113 of the Act, and

- (d) the grounds on which, and the period within which, an application may be made;
- “decision statement” means—
- (a) a statement that the Secretary of State has decided under section 21(9) of the Act to approve, approve subject to specified modifications or reject, a local plan or part of it, and
 - (b) where the Secretary of State decides to approve or approve subject to specified modifications, the local plan or part of it, a statement specifying—
 - (i) the date on which it was approved,
 - (ii) if applicable, any modifications specified in the approval,
 - (iii) that any person aggrieved by it may make an application to the High Court under section 113 of the Act, and
 - (iv) the grounds on which, and the period within which, an application may be made;
- “proposed submission documents” means the following documents—
- (a) the local plan which the local planning authority propose to submit to the Secretary of State,
 - (b) if the adoption of the local plan would result in changes to the adopted policies map, a submission policies map,
 - (c) the sustainability appraisal report of the local plan,
 - (d) a statement setting out—
 - (i) which bodies and persons were invited to make representations under regulation 18,
 - (ii) how those bodies and persons were invited to make such representations,
 - (iii) a summary of the main issues raised by those representations, and
 - (iv) how those main issues have been addressed in the local plan, and
 - (e) such supporting documents as in the opinion of the local planning authority are relevant to the preparation of the local plan; and
- “statement of the representations procedure” means a statement specifying—
- (a) the title of the local plan which the local planning authority propose to submit to the Secretary of State;
 - (b) the subject matter of, and the area covered by, the local plan;
 - (c) the date by which representations about the local plan must be received by the local planning authority, which must be not less than 6 weeks from the day on which the statement is published;
 - (d) the address to which representations about the local plan must be made;
 - (e) that representations may be made in writing or by way of electronic communications; and
 - (f) that representations may be accompanied by a request to be notified at a specified address of any of the following—
 - (i) the submission of the local plan for independent examination under section 20 of the Act,
 - (ii) the publication of the recommendations of the person appointed to carry out an independent examination of the local plan under section 20 of the Act, and
 - (iii) the adoption of the local plan.

Preparation of a local plan

18.—(1) A local planning authority must—

Status: Point in time view as at 01/10/2016.

Changes to legislation: There are currently no known outstanding effects for the The Town and Country Planning (Local Planning) (England) Regulations 2012. (See end of Document for details)

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

Publication of a local plan

19. Before submitting a local plan to the Secretary of State under section 20 of the Act, the local planning authority must—

- (a) make a copy of each of the proposed submission documents and a statement of the representations procedure available in accordance with regulation 35, and
- (b) ensure that a statement of the representations procedure and a statement of the fact that the proposed submission documents are available for inspection and of the places and times at which they can be inspected, is sent to each of the general consultation bodies and each of the specific consultation bodies invited to make representations under regulation 18(1).

Representations relating to a local plan

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

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

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

Conformity with the London Plan

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

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

Submission of documents and information to the Secretary of State

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

- (a) the sustainability appraisal report;
- (b) a submission policies map if the adoption of the local plan would result in changes to the adopted policies map;
- (c) a statement setting out—

- (i) which bodies and persons the local planning authority invited to make representations under regulation 18,
 - (ii) how those bodies and persons were invited to make representations under regulation 18,
 - (iii) a summary of the main issues raised by the representations made pursuant to regulation 18,
 - (iv) how any representations made pursuant to regulation 18 have been taken into account;
 - (v) if representations were made pursuant to regulation 20, the number of representations made and a summary of the main issues raised in those representations; and
 - (vi) if no representations were made in regulation 20, that no such representations were made;
- (d) copies of any representations made in accordance with regulation 20; and
- (e) such supporting documents as in the opinion of the local planning authority are relevant to the preparation of the local plan.
- (2) Notwithstanding regulation 3(1), each of the documents referred to in paragraph (1) must be sent in paper form and a copy sent electronically.
- (3) As soon as reasonably practicable after a local planning authority submit a local plan to the Secretary of State they must—
- (a) make available in accordance with regulation 35—
 - (i) a copy of the local plan;
 - (ii) a copy of each of the documents referred to in paragraph (1)(a), (b) and (c);
 - (iii) any of the documents referred to in paragraph (1)(d) or (e) which it is practicable to so make available, and
 - (iv) a statement of the fact that the documents referred to in sub-paragraphs (i) to (iii) are available for inspection and of the places and times at which they can be inspected;
 - (b) send to each of the general consultation bodies and each of the specific consultation bodies which were invited to make representations under regulation 18(1), notification that the documents referred to in paragraphs (a)(i) to (iii) are available for inspection and of the places and times at which they can be inspected; and
 - (c) give notice to those persons who requested to be notified of the submission of the local plan to the Secretary of State that it has been so submitted.

Consideration of representations by appointed person

23. Before the person appointed to carry out the independent examination under section 20 of the Act makes a recommendation under section 20(7), (7A) or (7C) ^{M22} of the Act the person must consider any representations made in accordance with regulation 20.

Marginal Citations

M22 Sections 20(7A) and (7C) were inserted into the 2004 Act by section 112 of the [Localism Act 2011](#) (c.20).

Independent examination

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

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

Publication of the recommendations of the appointed person

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

- (a) as soon as reasonably practicable after receipt of the report of the person appointed to carry out the independent examination under section 20 of the Act, or
 - (b) if the Secretary of State gives a direction under section 21(1) or (4) of the Act after the person appointed to carry out the independent examination has made a recommendation under section 20(7), (7A) or (7C) of the Act, as soon as reasonably practicable after receipt of the direction.
- (2) When the local planning authority comply with section 20(8) of the Act they must—
- (a) make the recommendations of the person appointed and the reasons given by that person for those recommendations available in accordance with regulation 35; and
 - (b) give notice, to those persons who requested to be notified of the publication of those recommendations, that the recommendations are available.

Adoption of a local plan

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

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

Withdrawal of a local plan

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

- (a) make available a statement of that fact in accordance with regulation 35;

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

Revocation of a local plan

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

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

Direction in respect of a local plan

[^{F13}**29.**—(1) Where the Secretary of State gives a direction under section 21(1), 21A(1) or 27(2) (b), (3)(b), (4)(b) or (5)(b) of the Act in respect of a local plan, or withdraws such a direction, the local planning authority must make—

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

available in accordance with regulation 35.

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

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

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

(4) Where—

- (a) the Mayor of London gives a direction under paragraph 2(4)(b) of Schedule A1 to the Act in respect of a local plan; or
- (b) a combined authority gives a direction under paragraph 6(4)(b) of Schedule A1 to the Act in respect of a local plan,

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

Status: Point in time view as at 01/10/2016.

Changes to legislation: There are currently no known outstanding effects for the The Town and Country Planning (Local Planning) (England) Regulations 2012. (See end of Document for details)

Textual Amendments

F13 Reg. 29 substituted (1.10.2016) by [The Town and Country Planning \(Local Planning\) \(England\) \(Amendment\) Regulations 2016 \(S.I. 2016/871\)](#), regs. 1(2), **5**

Call-in

30. The provisions in Schedule 1 apply where the Secretary of State gives a direction under section 21(4) of^{F14}, or paragraph 8(5) of Schedule A1 to,] the Act.

Textual Amendments

F14 Words in reg. 30 inserted (1.10.2016) by [The Town and Country Planning \(Local Planning\) \(England\) \(Amendment\) Regulations 2016 \(S.I. 2016/871\)](#), regs. 1(2), **6**

Secretary of State's default power

31. The provisions of Schedule 2 apply where^{F15}—

- (a)] the Secretary of State prepares a local plan under section 27 of the Act;
- ^{F16}(b) the Mayor of London prepares a local plan under paragraph 1 of Schedule A1 to the Act; or
- (c) a combined authority prepares a local plan under paragraph 5 of Schedule A1 to the Act.]

Textual Amendments

F15 Words in reg. 31 renumbered as reg. 31(a) (1.10.2016) by [The Town and Country Planning \(Local Planning\) \(England\) \(Amendment\) Regulations 2016 \(S.I. 2016/871\)](#), regs. 1(2), **7(a)**

F16 Reg. 31(b)(c) inserted (1.10.2016) by [The Town and Country Planning \(Local Planning\) \(England\) \(Amendment\) Regulations 2016 \(S.I. 2016/871\)](#), regs. 1(2), **7(b)**

PART 7

Joint local plans or supplementary planning documents

Joint local plans or supplementary planning documents: corresponding documents

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

- (2) A corresponding document for the purposes of section 28(7) of the Act is a document which—
 - (a) does not relate to any part of the area of the local planning authority that have 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 local plan or supplementary planning document prepared pursuant to the agreement mentioned in paragraph (1).

Joint committees: corresponding documents and corresponding schemes

33.—(1) The period prescribed for the purposes of section 31(6) of the Act is 3 months starting with the day on which, pursuant to section 31(2) of the Act, the Secretary of State revokes the order made under section 29 of the Act.

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

- (a) does not relate to any part of the area of the constituent authority^{M23} which requested the revocation of the order made under section 29 of the Act; and
- (b) with respect to the area of the successor authority, has substantially the same effect as the original local plan or supplementary planning document.

(3) For the purposes of section 31(3) of the Act, 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) of the Act, but
- (b) does not specify the original local plan or supplementary planning document,

as a document which is to be a local plan or supplementary planning document.

(4) In paragraph (3)(b) “original local plan or supplementary planning document” means a local plan or supplementary planning document prepared by the joint committee constituted by the order made under section 29 of the Act.

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

Marginal Citations

M23 See section 29(3) of the Act.

PART 8

Authorities' monitoring reports

Authorities' monitoring reports

34.—(1) A local planning authority's monitoring report must contain the following information—

- (a) the title of the local plans or supplementary planning documents specified in the local planning authority's local development scheme;
- (b) in relation to each of those documents—
 - (i) the timetable specified in the local planning authority's local development scheme for the document's preparation;
 - (ii) the stage the document has reached in its preparation; and
 - (iii) if the document's preparation is behind the timetable mentioned in paragraph (i) the reasons for this; and
- (c) where any local plan or supplementary planning document specified in the local planning 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.

Status: Point in time view as at 01/10/2016.

Changes to legislation: There are currently no known outstanding effects for the The Town and Country Planning (Local Planning) (England) Regulations 2012. (See end of Document for details)

(2) Where a local planning authority are not implementing a policy specified in a local plan, the local planning authority's monitoring report must—

- (a) identify that policy; and
- (b) include a statement of—
 - (i) the reasons why the local planning authority are not implementing the policy; and
 - (ii) the steps (if any) that the local planning authority intend to take to secure that the policy is implemented.

(3) Where a policy specified in a local plan specifies an annual number, or a number relating to any other period of net additional dwellings or net additional affordable dwellings in any part of the local planning authority's area, the local planning authority's monitoring report must specify the relevant number for the part of the local planning authority's area concerned—

- (a) in the period in respect of which the report is made, and
- (b) since the policy was first published, adopted or approved.

(4) Where a local planning authority have made a neighbourhood development order or a neighbourhood development plan^{M24}, the local planning authority's monitoring report must contain details of these documents.

(5) Where a local planning authority have prepared a report pursuant to regulation 62 of the Community Infrastructure Levy Regulations 2010^{M25}, the local planning authority's monitoring report must contain the information specified in regulation 62(4) of those Regulations.

(6) Where a local planning authority have co-operated with another local planning authority, county council, or a body or person prescribed under section 33A of the Act, the local planning authority's monitoring report must give details of what action they have taken during the period covered by the report.

(7) A local planning authority must make any up-to-date information, which they have collected for monitoring purposes, available in accordance with regulation 35 as soon as possible after the information becomes available.

(8) In this regulation “neighbourhood development order” has the meaning given in section 61E of the Town and Country Planning Act 1990^{M26}.

Marginal Citations

M24 See section 38A of the Act (inserted by paragraph 7 of Schedule 9 to the [Localism Act 2011 \(c.20\)](#)) for the definition of “neighbourhood development plan”.

M25 [S.I. 2010/948](#).

M26 [1990 c.8](#). Section 61E was inserted by paragraph 2 of Schedule 9 to the Localism Act 2011.

PART 9

Availability of documents

Availability of documents: general

- 35.—**(1) A document is to be taken to be made available by a local planning authority when—
- (a) made available for inspection, at their principal office and at such other places within their area as the local planning authority consider appropriate, during normal office hours, and
 - (b) published on the local planning authority's website,

(2) In relation to any document made available under these Regulations, except a local plan or supplementary planning document which has been adopted or approved, the local planning authority may cease to make the document available once the period specified in paragraph (3) has expired.

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

- (a) where the document relates to a supplementary planning document or to the local planning authority's statement of community involvement, is 3 months after the day on which the supplementary planning document or statement of community involvement is adopted;
- (b) where the document relates to a local plan, is the 6 week period referred to in section 113(4) of the Act that applies as regards the local plan concerned.

[^{F17}(4) Where—

- (a) a local planning authority adopt, or the Secretary of State, the Mayor of London or a combined authority approves, a revision to a local plan; or
- (b) a local planning authority adopt, or the Secretary of State approves, a supplementary planning document,

as soon as reasonably practicable after the adoption or approval, the local planning authority must incorporate the revision into the local plan or make the supplementary planning document available in accordance with this regulation.]

Textual Amendments

F17 Reg. 35(4) substituted (1.10.2016) by [The Town and Country Planning \(Local Planning\) \(England\) \(Amendment\) Regulations 2016 \(S.I. 2016/871\)](#), regs. 1(2), 8

Copies of documents

36.—(1) A person may request from the local planning authority a copy of a document made available in accordance with regulation 35.

(2) The local planning authority must provide a copy of the document to that person as soon as reasonably practicable after receipt of that person's request.

(3) The local planning authority may make a reasonable charge for a copy of a document—

- (a) provided in accordance with paragraph (2), or
- (b) published as required by or under Part 2 of the Act.

PART 10

Revocation and Saving

Revocation

37. Subject to the saving provision in regulation 38, the following are revoked—

- (a) the Town and Country Planning (Local Development) (England) Regulations 2004 ^{M27};
- (b) the Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008 ^{M28};
- (c) the Town and Country Planning (Local Development) (England) (Amendment) Regulations 2009 ^{M29};

Status: Point in time view as at 01/10/2016.

Changes to legislation: There are currently no known outstanding effects for the The Town and Country Planning (Local Planning) (England) Regulations 2012. (See end of Document for details)

- (d) article 4 of the Local Democracy, Economic Development and Construction Act 2009 (Consequential Amendments)(England) Order 2010 ^{M30};
- (e) paragraph 17 of Schedule 4 to the Waste (England and Wales) Regulations 2011 ^{M31}; and
- (f) regulation 20 of Local Policing Bodies (Consequential Amendments) Regulations 2011 ^{M32}.

Marginal Citations

- M27** [S.I. 2004/2204.](#)
- M28** [S.I. 2008/1371.](#)
- M29** [S.I. 2009/401.](#)
- M30** [S.I. 2010/602.](#)
- M31** [S.I. 2011/988.](#)
- M32** [S.I. 2011/3058.](#)

Saving

38.—(1) Anything done (or having effect as if done) by or in relation to a local planning authority (or the Secretary of State) under a provision of the 2004 Regulations which is revoked and re-enacted, with or without modifications, in these Regulations is to have effect as if done under the corresponding provision of these Regulations by or in relation to that local planning authority (or the Secretary of State) so far as that is required for continuing its effect on and after the commencement date.

(2) In this Regulation—

“2004 Regulations” means the Town and Country Planning (Local Development) (England) Regulations 2004; and

“commencement date” means the date these Regulations come into force.

Signed by authority of the Secretary of State for Communities and Local Government

Department for Communities for Local
Government

Greg Clark
Minister of State

Status:

Point in time view as at 01/10/2016.

Changes to legislation:

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