

2012 No. 767

TOWN AND COUNTRY PLANNING, ENGLAND

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

<i>Made</i> - - - -	<i>8th March 2012</i>
<i>Laid before Parliament</i>	<i>15th March 2012</i>
<i>Coming into force</i> - -	<i>6th April 2012</i>

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SCHEDULE 1 — Call-in by the Secretary of State
SCHEDULE 2 — Secretary of State's default power

The Secretary of State, in exercise of the powers conferred by sections 17(7), 19(2)(j), 20(3), 28(9) and (11), 31(6) and (7), 33A(1)(c) and (9), 35(2) and 36 of the Planning and Compulsory Purchase Act 2004(a), makes the following Regulations:

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(b);

“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(c);

“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;

(a) 2004 c.5. Section 17(7) was amended by section 180(3)(d) of the Planning Act 2008 (c.29). Section 33A was inserted by section 110 of the Localism Act 2011 (c.20). *See* section 122(1) for the definition of “prescribed”.

(b) 2000 c.7.

(c) 2003 c.21.

“inspection” means inspection by the public;

“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(a));
- (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);

“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(b),
- (b) the Environment Agency(c),
- (c) the Historic Buildings and Monuments Commission for England (known as English Heritage)(d),
- (d) the Marine Management Organisation(e),
- (e) Natural England(f),
- (f) Network Rail Infrastructure Limited (company number 2904587),
- (g) the Highways Agency,
- (h) 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) a Primary Care Trust established under section 18 of the National Health Service Act 2006(g) or continued in existence by virtue of that section;
 - (ii) a person to whom a licence has been granted under section 6(1)(b) or (c) of the Electricity Act 1989(h);

(a) 1996 c.16.

(b) See section 1 of the Coal Industry Act 1994 (c.21).

(c) See section 1 of the Environment Act 1995 (c.25).

(d) See section 32 of the National Heritage Act 1983 (c.47).

(e) See section 1 of the Marine and Coastal Access Act 2009 (c.23).

(f) See section 1 of the Natural Environment and Rural Communities Act 2006 (c.16).

(g) 2006 c.41.

(h) 1989 c.29. There are amendments to these provisions which are not relevant to these Regulations.

- (iii) a person to whom a licence has been granted under section 7(2) of the Gas Act 1986(a);
 - (iv) a sewerage undertaker; and
 - (v) a water undertaker;
 - (k) the Homes and Communities Agency(b); 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.

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(c) or other public holiday in England.

(a) 1986 c.44. There are amendments to these provisions which are not relevant to these Regulations.
 (b) See section 2 of the Housing and Regeneration Act 2008 (c.17).
 (c) 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(a);
 - (f) the Homes and Communities Agency;
 - (g) each Primary Care Trust established under section 18 of the National Health Service Act 2006(b) or continued in existence by virtue of that section;
 - (h) the Office of Rail Regulation(c);
 - (i) Transport for London(d);
 - (j) each Integrated Transport Authority(e);
 - (k) each highway authority within the meaning of section 1 of the Highways Act 1980(f) (including the Secretary of State, where the Secretary of State is the highways authority); and
 - (l) the Marine Management Organisation.
- (2) The bodies prescribed for the purposes of section 33A(9) of the Act are each local enterprise partnership.
- (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.

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)(g) 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;

(a) See section 2 of the Civil Aviation Act 1982(c.16).
(b) 2006 c.41.
(c) See section 15 of the Railways and Transport Safety Act 2003 (c.20).
(d) See section 154 of the Greater London Authority Act 1999 (c.29).
(e) See sections 77 and 78 of the Local Transport Act 2008 (c.26).
(f) 1980 c.66.
(g) Subsection 17(7)(za) was inserted by section 180(3) of the Planning Act 2008 (c.29).

- (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.

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 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)(a) of the Act is 3 weeks starting on the day the Mayor of London gives the direction in question.

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.

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

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(a);
- (b) the objectives of preventing major accidents and limiting the consequences of such accidents by pursuing those objectives through the controls described in Article 12 of Council Directive 96/82/EC;
- (c) 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 so as not to increase the risks to people;
- (d) the national waste management plan (which has the same meaning as in the Waste (England and Wales) Regulations 2011(b));
- (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 Council Directive 96/82/EC (as amended by Council Directive 2003/105/EC) have the same meaning as in that Directive.

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,

(a) 2000 c.38.
(b) S.I. 2011/988.

- (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
- (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 DPD, and
- (e) such supporting documents as in the opinion of the local planning authority are relevant to the preparation of the local plan; and

“statement of the representations procedure” means a statement specifying—

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

Preparation of a local plan

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

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

(3) In preparing the local plan, the local planning authority must take into account any representation made to them in response to invitations under paragraph (1).

Publication of a local plan

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

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

Representations relating to a local plan

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

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

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

Conformity with the London Plan

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

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

Submission of documents and information to the Secretary of State

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

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

- (d) copies of any representations made in accordance with regulation 20; and
- (e) such supporting documents as in the opinion of the local planning authority are relevant to the preparation of the local plan.

(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)(a) of the Act the person must consider any representations made in accordance with regulation 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.

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

- (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

29. Where the Secretary of State gives a direction under section 21(1) of the Act in respect of a local plan, the local planning authority must—

- (a) make a copy of the direction and the local plan available in accordance with regulation 35; and
- (b) at the time they 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 section 21(2)(b) of the Act, available in accordance with regulation 35.

Call-in

30. The provisions in Schedule 1 apply where the Secretary of State gives a direction under section 21(4) of the Act.

Secretary of State's default power

31. The provisions of Schedule 2 apply where the Secretary of State prepares a local plan under section 27 of the Act.

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(a) 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.

(a) See section 29(3) 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.

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.

(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(a), 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(b), 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.

(a) 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".

(b) S.I. 2010/948.

(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(a).

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.

(4) Where a local planning authority adopt, or the Secretary of State approves, a revision to a local plan or a supplementary planning document, as soon as reasonably practicable after the revision is adopted or approved, the local planning authority must incorporate the revision into the local plan or the supplementary planning document made available in accordance with this regulation.

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.

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

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(a);
- (b) the Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008(b);
- (c) the Town and Country Planning (Local Development) (England) (Amendment) Regulations 2009(c);
- (d) article 4 of the Local Democracy, Economic Development and Construction Act 2009 (Consequential Amendments)(England) Order 2010(d);
- (e) paragraph 17 of Schedule 4 to the Waste (England and Wales) Regulations 2011(e); and
- (f) regulation 20 of Local Policing Bodies (Consequential Amendments) Regulations 2011(f).

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

Greg Clark
Minister of State

8th March 2012

Department for Communities for Local Government

SCHEDULE 1

Regulation 30

Call-in by the Secretary of State

1. This Schedule applies where the Secretary of State gives a direction under section 21(4) of the Act.

-
- (a) S.I. 2004/2204.
 - (b) S.I. 2008/1371.
 - (c) S.I. 2009/401.
 - (d) S.I. 2010/602.
 - (e) S.I. 2011/988.
 - (f) S.I. 2011/3058.

General

2. The local planning authority must make a copy of the direction given under section 21(4) of the Act available in accordance with regulation 35.

Procedure for pre-submission local plans

3.—(1) If the direction under section 21(4) of the Act is given before the local planning authority submit the local plan to the Secretary of State under section 20 of the Act, the local planning authority must—

- (a) unless they have already complied with section 19(5) of the Act, do so;
- (b) where they are a London borough council, unless they have made a request under section 24(4)(a) of the Act, make such a request;
- (c) before complying with paragraph (d)—
 - (i) make a copy of each of the proposed submission documents and a statement of the representations procedure available in accordance with regulation 35;
 - (ii) 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 which were invited to make representations under regulation 18(1) or this paragraph (as the case may be);
- (d) as soon as reasonably practicable after the period specified pursuant to sub-paragraph (2) has expired send to the Secretary of State—
 - (i) the sustainability appraisal report for the local plan;
 - (ii) a statement of the description referred to in regulation 22(1)(c);
 - (iii) copies of any representations made in accordance with sub-paragraph (2); and
 - (iv) such supporting documents as in the opinion of the local planning authority are relevant to the preparation of the local plan; and
- (e) as soon as reasonably practicable after the period specified pursuant to sub-paragraph (2) has expired—
 - (i) if the adoption or approval of any part of the local plan would result in changes to the adopted policies map, send a map showing those changes to the Secretary of State;
 - (ii) make available in accordance with regulation 35 a copy of the local plan and each of the documents referred to in paragraph (d); and
 - (iii) 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 those documents are available for inspection and of the places and times at which they can be inspected.

(2) Any person may make representations to the local planning authority about a local plan made available pursuant to paragraph 3(1)(c) but they must be received by the local planning authority by the date specified in the statement of the representations procedure made available under that paragraph.

(3) Nothing in paragraph 3(1)(c), (d) or (e) requires a local planning authority to take any steps if they have taken an equivalent step under regulation 19, 20 or 22 before receipt of the direction under section 21(4) of the Act.

(4) The following modifications to regulation 17 apply for the purposes of this paragraph—

- (a) the definition of “proposed submission documents” and the definition of “statement of the representations procedure” is each to be treated as if “which the local planning authority propose to submit to the Secretary of State” were omitted;

- (b) paragraph (b) of the definition of “proposed submission documents” is to be treated as if for “if the adoption of the local plan” there were substituted “if the adoption or approval of any part of the local plan”;
- (c) paragraph (f) of the definition of “statement of the representations procedure” is to be treated as if—
 - (i) sub-paragraph (i) were omitted; and
 - (ii) for the reference to the adoption of the local plan in sub-paragraph (iii) there were a reference to the Secretary of State’s decision under section 21(9)(a) of the Act.

Changes proposed by the Secretary of State to a local plan

4.—(1) Where the Secretary of State proposes to make a decision under section 21(9)(a) of the Act which proposes changes to the local plan which depart from the recommendations of the person appointed to carry out an independent examination under section 20 of the Act, the Secretary of State must notify the local planning authority of that fact and provide a document containing the proposed changes and the reasons for them.

(2) As soon as reasonably practicable after receipt of notice under sub-paragraph (1) the local planning authority must—

- (a) make copies of the proposed changes, the reasons and a statement of the matters in sub-paragraph (3) available in accordance with regulation 35;
- (b) send copies of the proposed changes and the reasons to the bodies in sub-paragraph (4) and notify these bodies of the matters in sub-paragraph (3); and
- (c) make available in accordance with regulation 35 details of where the proposed changes and the reasons are available for inspection and the places and times at which they can be inspected.

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

- (a) the date by which representations on the proposed changes must be made (being not less than 6 weeks from the date on which the local planning authority complies with sub-paragraph (2));
- (b) the address to which representations must be sent; and
- (c) a statement that any representations made may be accompanied by a request to be notified of the Secretary of State’s decision under section 21(9)(a) of the Act.

(4) The bodies referred to in sub-paragraph (2)(b) are—

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

Representations on proposed changes

5.—(1) Any person may make representations on the proposed changes made available pursuant to paragraph 4(2) of this Schedule.

(2) Any such representations must be received at the address, and by the date, specified pursuant to paragraph 4(3) of this Schedule.

(3) Before the Secretary of State approves, approves with specified modifications or rejects a local plan or part of it under section 21(9)(a) of the Act, the Secretary of State must consider any representations made in accordance with this paragraph.

Publication of the recommendations of the person appointed to carry out the independent examination

6. As soon as reasonably practicable after the Secretary of State publishes the recommendations of the independent examiner in accordance with section 21(6) of the Act, the local planning authority must—

- (a) make the recommendations and reasons of the person appointed to carry out the independent examination 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 they have been published.

Secretary of State's decision

7. As soon as reasonably practicable after the Secretary of State approves, approves subject to specified modifications or rejects a local plan or part of it in accordance with section 21(9)(a) of the Act, the local planning authority must—

- (a) make available in accordance with regulation 35—
 - (i) the local plan and the reasons given by the Secretary of State pursuant to section 21(9)(b) of the Act,
 - (ii) a copy of the decision statement,
 - (iii) a statement of the fact that the local plan and a copy of 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
- (b) send a copy of the decision statement to any person who has asked to be notified of the Secretary of State's decision under section 21(9)(a) of the Act.

Removal of documents after rejection of a local plan

8.—(1) This paragraph applies where—

- (a) the Secretary of State rejects a local plan under section 21(9)(a) of the Act; or
- (b) the Secretary of State rejects part of a local plan under section 21(9)(a) of the Act 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 sub-paragraph (3), cease to make available any documents relating to the local plan.

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

- (a) in the circumstances mentioned in sub-paragraph (1)(a), 3 months from the date of the Secretary of State's rejection of the local plan; or
- (b) in the circumstances mentioned in sub-paragraph (1)(b), 3 months from the date of the local planning authority's decision.

SCHEDULE 2

Regulation 31

Secretary of State's default power

1. This Schedule applies where the Secretary of State prepares a local plan under section 27 of the Act.

2.—(1) The Secretary of State must comply with section 19(2) of the Act as if—

- (a) the duty imposed on the local planning authority were imposed on the Secretary of State;
- (b) references in section 19(2)(b) to (h) to the local planning authority (in whatever terms) were references to the local planning authority in question; and

(c) section 19(2)(j) referred to the matters prescribed under regulation 10, treating the references to the local planning authority (in whatever terms) in regulation 10 as references to the local planning authority in question.

(2) The Secretary of State must comply, to the extent (if any) that the Secretary of State considers appropriate, with section 19(3) of the Act as if the reference to the local planning authority (in whatever terms) were a reference to the Secretary of State and the reference to their statement of community involvement were a reference to the statement of community involvement of the local planning authority in question.

(3) The Secretary of State must comply with section 19(5) of the Act as if the reference to the local planning authority (in whatever terms) were a reference to the Secretary of State and as if the reference to each document were a reference to the local plan.

(4) If the local planning authority in question is a London borough council, the Secretary of State must request the opinion of the Mayor of London as to the general conformity of the local plan with the London spatial development strategy.

(5) Before holding an independent examination of the local plan under section 27(2) of the Act, the Secretary of State must—

- (a) notify each of the bodies or persons specified in sub-paragraph (6) of the subject of the local plan which the Secretary of State proposes to prepare;
- (b) invite each of them to make representations to the Secretary of State about what the local plan with that subject ought to contain;
- (c) take into account any representation made to the Secretary of State in response to those invitations;
- (d) make a copy of each of the proposal documents and a statement of the representations procedure available during normal office hours, at such places as the Secretary of State considers appropriate, and
- (e) 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 bodies or persons which are invited to make representations under paragraph (b).

(6) The bodies or persons referred to in sub-paragraph (5)(a) are—

- (a) such of the specific consultation bodies (in relation to the area of the local planning authority in question) as the Secretary of State considers may have an interest in the subject of the proposed local plan;
- (b) such of the general consultation bodies (in relation to the area of the local planning authority in question) as the Secretary of State considers appropriate; and
- (c) such residents or other persons carrying on business in the area of the local planning authority in question from which the Secretary of State considers it appropriate to invite representations.

(7) Where the Secretary of State makes available a local plan for the making of representations prior to the holding of an independent examination under section 27(2) of the Act, any person may make representations in relation to the local plan but any such representation must be received by the Secretary of State by the date specified in the statement of the representations procedure.

(8) Where the Secretary of State holds an independent examination under section 27(2) of the Act, at least 6 weeks before the opening of a hearing the Secretary of State must—

- (a) make the matters mentioned in sub-paragraph (9) available in accordance with regulation 35; and
- (b) notify any body or person who has made a representation in accordance with sub-paragraph (5) and not withdrawn that representation, of those matters.

(9) The matters referred to in sub-paragraph (8) 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.

(10) For the purposes of this paragraph—

“proposal documents” means the following documents—

- (a) the local plan for which the Secretary of State proposes to hold an independent examination;
- (b) if the approval of the local plan would result in changes to the adopted policies map, a map showing how the adopted policies map of the local planning authority would be amended by the local plan, if it were approved;
- (c) the sustainability appraisal report of the local plan prepared in accordance with section 19(5) of the Act (as modified by sub-paragraph (3));
- (d) a statement setting out—
 - (i) which bodies and persons were invited to make representations under sub-paragraph (5)(b);
 - (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 Secretary of State are relevant to the preparation of the local plan;

“statement of the representations procedure” means a statement specifying—

- (a) the title of the local plan for which the Secretary of State proposes to hold an independent examination;
- (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 Secretary of State, which must be not less than 6 weeks from the day on which the statement is published;
- (d) the address to which representations about that document 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 publication of the recommendations of the person appointed to carry out an independent examination of the local plan, and
 - (ii) the adoption of the local plan.

EXPLANATORY NOTE

(This note is not part of the Regulations)

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

Section 33A of the Act imposes a duty to co-operate in relation to planning of sustainable development. The Regulations prescribe the bodies (in addition to local planning authorities and county councils) which are subject to this duty to co-operate (regulation 4).

Part 2 of the Act makes provision in relation to the local plan and supplementary planning documents. Parts 4 and 5 of the Regulations prescribe the form and content of local plans and supplementary planning documents (to be prepared by local planning authorities) and prescribes which documents are to be local plans. The Regulations also prescribe the process for preparation of the local plans and supplementary planning documents.

The main steps in the supplementary planning document procedure are publication of the supplementary planning document, consultation on it and consideration of representations made (regulations 12 and 13) followed by the adoption of the supplementary planning document by the

local planning authority (regulation 14). The Regulations also include provisions as to the withdrawal or revocation of supplementary planning documents (regulation 15) and the intervention of the Secretary of State in the supplementary planning document preparation process (regulations 16).

The main steps in the local plan procedure are-

- (a) publication of the proposals for a local plan, consultation on it and consideration of representations (regulations 18 to 20);
- (b) submission to the Secretary of State, independent examination of the local plan and publication of the recommendations of the person appointed to examine the local plan (regulations 22 to 25); and
- (c) adoption of the local plan by the local planning authority (regulation 26).

The Regulations also include provisions as to the withdrawal or revocation of local plans (regulations 27 and 28), the intervention of the Secretary of State in the local plan preparation process (regulation 30 and Schedule 1) and the Secretary of State's default power in relation to the preparation of local plans (regulation 31 and Schedule 2).

The Regulations also make provision in relation to joint development documents, including withdrawal from such a document by a local planning authority or the dissolution of a joint committee (regulations 32 and 33).

The Regulations also make provision in relation to the content of monitoring reports which local planning authorities must prepare (regulation 34),

The Regulations also make general provision as to the availability of documents and copies of documents (regulations 35 and 36).

The Regulations revoke—

- (a) the Town and Country Planning (Local Development) (England) Regulations 2004(a);
- (b) the Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008(b);
- (c) the Town and Country Planning (Local Development) (England) (Amendment) Regulations 2009(c); and
- (d) article 4 of the Local Democracy, Economic Development and Construction Act 2009 (Consequential Amendments)(England) Order 2010(d);
- (e) paragraph 17 of Schedule 4 to the Waste (England and Wales) Regulations 2011(e); and
- (f) regulation 20 of Local Policing Bodies (Consequential Amendments) Regulations 2011(f).

The Regulations also make saving provision so things done by a local planning authority (or the Secretary of State) under the Town and Country Planning (Local Development) (England) Regulations 2004 are treated as done under the corresponding provision of these Regulations. This is to allow plans which were in the process of being prepared when the 2004 Regulations were revoked could continue that process under these Regulations (regulation 38).

The Regulations apply to county councils for the purposes of minerals and waste development planning as they apply to local planning authorities for local planning purposes (regulation 2(3)).

An impact assessment has been prepared for the Localism Act 2011, the *Local Plan Reform Impact Assessment*, which has been deposited in the Library of each House of Parliament and is

(a) S.I. 2004/2204.
(b) S.I. 2008/1371.
(c) S.I. 2009/401.
(d) S.I. 2010/602.
(e) S.I. 2011/988.
(f) S.I. 2011/3058.

available from the Department for Communities and Local Government, Eland House, Bressenden Place, London SW1E 5DU or from the Department's website

(<http://www.communities.gov.uk/publications/localgovernment/localismlocalplanreform>)

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STATUTORY INSTRUMENTS

2012 No. 767

TOWN AND COUNTRY PLANNING, ENGLAND

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

£5.75

E2912 03/2012 122912T 19585

ISBN 978-0-11-152192-2



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