

2017 No. 1244

TOWN AND COUNTRY PLANNING, ENGLAND

**The Town and Country Planning (Local Planning) (England)
(Amendment) Regulations 2017**

Made - - - - - *11th December 2017*

Laid before Parliament *13th December 2017*

Coming into force in accordance with regulation 1(2)

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 17(6A), 20(3), 28C(6) and (7) of the Planning and Compulsory Purchase Act 2004(a) and sections 42 and 44(5) of the Neighbourhood Planning Act 2017(b):

Citation and commencement

1.—(1) These Regulations may be cited as the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017.

(2) These Regulations come into force on 15th January 2018, apart from regulation 4, which comes into force on 6th April 2018.

Amendment of the Town and Country Planning (Local Planning) (England) Regulations 2012

2. The Town and Country Planning (Local Planning) (England) Regulations 2012(c) are amended in accordance with the following provisions.

Amendment of regulation 2

3.—(1) Regulation 2(1) (interpretation) is amended as follows.

(2) Omit “and” at the end of the definition of “supplementary planning document”.

(3) At the end of regulation 2(1) insert—

“and

“upper-tier county council” means a county council for an area for which there is also a district council.”

(a) 2004 c. 5. Section 17(6A) was inserted by section 12 of the Neighbourhood Planning Act 2017 (c.20) (“the 2017 Act”). Section 28C was inserted by section 9 of the 2017 Act. See section 122(1) for the definition of “prescribed”.
(b) 2017 c. 20.
(c) S.I. 2012/767 was amended by S.I. 2012/2613 and S.I. 2016/871.

Amendment of regulation 10A

4. After regulation 10 (local plans and supplementary planning documents: additional matters to which regard is to be had) insert—

“Review of local development documents

10A.—(1) A local planning authority must review a local development document within the following time periods—

- (a) in respect of a local plan, the review must be completed every five years, starting from the date of adoption of the local plan, in accordance with section 23 of the Act (adoption of local development documents);
- (b) in respect of a statement of community involvement, the review must be completed every five years, starting from the date of adoption of the statement of community involvement, in accordance with section 23 of the Act.”.

Amendment of regulation 22

5. In regulation 22 (submission of documents and information to the Secretary of State), omit paragraph (2).

Amendment of regulation 29

6.—(1) Regulation 29 (direction in respect of a local plan) is amended as follows.

(2) In paragraph (2) for “or the combined authority” substitute “, the combined authority or the upper-tier county council”.

(3) In paragraph (4)—

- (a) at the end of sub-paragraph (a) omit “or”;
- (b) at the end of sub-paragraph (b) omit the comma and insert “; or”; and
- (c) after sub-paragraph (b) insert—

“(c) the upper-tier county council gives a direction under paragraph 7C(4)(b) of Schedule A1 to the Act in respect of a local plan,”.

Amendment of regulation 31

7. In regulation 31 (Secretary of State’s default power) —

- (a) at the end of paragraph (b) omit “or”;
- (b) at the end of paragraph (c) omit the full stop and insert “; or”; and
- (c) after paragraph (c) insert—

“(d) an upper-tier county council prepares a local plan under paragraph 7B of Schedule A1 to the Act.”.

Amendment of regulation 32

8. After regulation 32 (joint local plans or supplementary planning documents: corresponding documents) insert—

“Joint local plans prepared under direction by the Secretary of State: corresponding documents and corresponding joint development plan documents

32A.—(1) The period prescribed for the purpose of section 28C(6) of the Act is 3 months starting with the day on which the direction given under section 28A of the Act is withdrawn or modified by the Secretary of State in accordance with section 28C(3) of the Act.

(2) A corresponding document for the purposes of section 28C(7) of the Act is a document prepared by a local planning authority which—

- (a) does not relate to any part of the area of any other local planning authority to which the original joint local plan related; and
- (b) with respect to the area of the local planning authority which prepared it, has substantially the same effect as the original joint local plan.

(3) A corresponding joint development plan document for the purposes of section 28C(7) of the Act is a document prepared by two or more local planning authorities which—

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

(4) In this regulation “original joint local plan” means a joint local plan prepared pursuant to a direction given by the Secretary of State under section 28A of the Act.”

Amendment of regulation 35

9. In regulation 35(4)(a) (availability of documents: general), for “or a combined authority” substitute “, a combined authority or an upper-tier county council”.

Amendment of Schedule 1

10.—(1) Schedule 1 (call-in by the Secretary of State) is amended as follows.

(2) In paragraph 2A, for “or combined authority” substitute “, combined authority or upper-tier county council”.

(3) In paragraph 3A—

- (a) in sub-paragraph (1), for “or the combined authority under paragraph 6(2)” substitute “the combined authority under paragraph 6(2) or the upper-tier county council under paragraph 7C(2)”;
- (b) for “or the combined authority”, wherever else it appears in sub-paragraphs (1) and (2), substitute “, the combined authority or the upper-tier county council”.

(4) In paragraph 4—

- (a) in sub-paragraph (1A), for “or paragraph 6(2) of Schedule A1 to the Act” substitute “, paragraph 6(2) or 7C(2) of Schedule A1 to the Act”;
- (b) for “or the combined authority”, wherever it appears in sub-paragraphs (1A) and (1B), substitute “, the combined authority or the upper-tier county council”.

(5) In paragraph 6—

- (a) for “or combined authority” substitute “, combined authority or upper-tier county council”;
- (b) for “or 6(2) of Schedule A1 to the Act” substitute “, 6(2) or 7C(2) of Schedule A1 to the Act.”

(6) In paragraph 7, for “or combined authority” substitute “, combined authority or upper-tier county council”.

Amendment of Schedule 2

11. In paragraph 1(1) of Schedule 2 (the relevant authority's default power)—
- (a) at the end of sub-paragraph (b) omit “or”;
 - (b) at the end of sub-paragraph (c) omit the full stop and insert “; or”; and
 - (c) after sub-paragraph (c) insert—
 - “(d) an upper-tier county council prepares a local plan under paragraph 7B of Schedule A1 to the Act.”.

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

Alok Sharma
Minister of State

11th December 2017

Department for Communities and Local Government

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to the Town and Country Planning (Local Planning) (England) Regulations 2012 (“the 2012 Regulations”).

Regulation 3 inserts the definition of an upper-tier county council into the 2012 Regulations, in consequence of the amendments to Part 2 and Schedule A1 of the Planning and Compulsory Purchase Act 2004 (“the 2004 Act”) made by section 10 of, and Schedule 2 to, the Neighbourhood Planning Act 2017 (“the 2017 Act”).

Regulation 4 prescribes the time period for review of certain local development documents.

Regulation 5 makes an amendment to regulation 22 of the 2012 Regulations to remove the requirement for documents submitted to the Secretary of State under section 20 of the 2004 Act to be submitted both in paper form and electronically.

Regulations 6, 7, 9, 10 and 11 make amendments that are consequential to the amendments to Part 2 and Schedule A1 of the 2004 Act made by section 10 of, and Schedule 2 to the 2017 Act.

Section 9 of the 2017 Act inserts new sections 28A to 28C of the 2004 Act, providing the Secretary of State with a power to direct two or more local planning authorities to prepare a joint development plan document. Regulation 8 prescribes the meaning of ‘corresponding document’ and ‘corresponding joint development plan document’ for the purpose of these new sections. The terms refer to a jointly prepared development plan document which is taken forward by one or more local authorities after a direction given under section 28A is withdrawn or modified.

An impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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