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STATUTORY INSTRUMENTS

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**2004 No. 2204**

**The Town and Country Planning (Local  
Development) (England) Regulations 2004**

**PART 6**

**DEVELOPMENT PLAN DOCUMENTS**

**Application and interpretation of Part 6**

**24.**—(1) This Part applies to a local planning authority's statement of community involvement as it applies to a DPD; and accordingly, unless otherwise indicated, any reference in this Part to a DPD includes a reference to a statement of community involvement.

(2) This Part applies to a submission proposals map as it applies to a DPD; and accordingly, with the exception of regulations 25 and 26, any reference in this Part to a DPD includes a reference to a submission proposals map.

(3) With the exception of regulation 45(b), regulations 40 to 44 apply to any part of a DPD as they apply to the whole of a DPD.

(4) In this Part—

“adoption statement” means a statement—

- (a) of the date on which a DPD is adopted;
- (b) that a person aggrieved by the DPD may make an application to the High Court under section 113;
- (c) of the grounds on which, and the time within which, such an application may be made;
- (d) that a person aggrieved by a statement of community involvement may apply to the High Court for permission to apply for judicial review of the decision to adopt the statement; and
- (e) that any such application must be made promptly and in any event not later than 3 months after the day on which the statement was adopted;

“decision statement” means—

- (a) a statement that the Secretary of State has decided to approve, approve subject to modifications, or reject a DPD (as the case may be),
- (b) where the Secretary of State decides to approve a DPD, or to approve a DPD subject to modifications, a statement—
  - (i) of the date on which the DPD is adopted,
  - (ii) that a person aggrieved by the DPD may make an application to the High Court under section 113, and
  - (iii) of the grounds on which, and the time within which, such an application may be made;

“DPD bodies” means the bodies consulted by a local planning authority under regulation 25;

“DPD documents” means the following documents—

- (a) the DPD,
- (b) the sustainability appraisal report,
- (c) the pre-submission consultation statement,
- (d) such supporting documents as in the opinion of the authority are relevant to the preparation of the DPD;

“DPD matters” means the following matters—

- (a) the title of the DPD,
- (b) the subject matter of , and the area covered by, the DPD,
- (c) the period within which representations about the DPD must be made in accordance with regulation 29(1),
- (d) the address to which and, where appropriate, the person to whom representations (whether made by way of electronic communications or otherwise) must be sent in accordance with regulation 29(1),
- (e) a statement that representations may be accompanied by a request to be notified at a specified address of the publication of the recommendations of the person appointed to carry out an examination under section 20 or the adoption of the DPD or both;

“pre-submission consultation statement” means the statement prepared pursuant to regulation 28(1)(c);

“pre-submission proposals documents” means the authority’s proposals for the DPD and such supporting documents as in the opinion of the authority are relevant to those proposals;

“proposals matters” means the following matters—

- (a) the proposed title of the DPD,
- (b) the proposed subject matter and area of the DPD,
- (c) the period within which representations on the proposals may be made in accordance with regulation 27(2)(a),
- (d) the address to which and, where appropriate, the person to whom representations (whether made by way of electronic communications or otherwise) must be sent in accordance with regulation 27(2)(b),
- (e) a statement that any representations may be accompanied by a request to be notified at a specified address that the DPD has been submitted to the Secretary of State for independent examination under section 20 and of the adoption of the DPD; and

“site allocation representation” means any representation which seeks to change a DPD by—

- (a) adding a site allocation policy to the DPD, or
- (b) altering any site allocation policy in the DPD.

### **Pre-submission consultation**

**25.—**(1) Subject to paragraph (2), before a local planning authority comply with regulation 26 they must consult—

- (a) each of the specific consultation bodies to the extent that the local planning authority thinks that the proposed subject matter of the DPD affects the body; and
- (b) such of the general consultation bodies as the local planning authority consider appropriate.

(2) If the document is the local planning authority’s statement of community involvement, the requirement referred to in paragraph (1)(a) is satisfied —

- (a) by an authority whose area is in a region other than London, if the authority consult—
  - (i) the regional planning body;
  - (ii) each relevant authority any part of whose area is in or adjoins the area of the local planning authority; and
  - (iii) the Highways Agency;
- (b) by a London borough council, if they consult—
  - (i) the Mayor of London;
  - (ii) each relevant authority any part of whose area is in or adjoins the area of the local planning authority; and
  - (iii) the Highways Agency.

### **Pre-submission public participation**

**26.** Before a local planning authority prepare and submit a DPD to the Secretary of State they must—

- (a) make copies of the pre-submission proposals documents and a statement of the proposals matters available for inspection during normal office hours—
  - (i) at their principal office, and
  - (ii) at such other places within their area as the authority consider appropriate;
- (b) publish on their website—
  - (i) the pre-submission proposals documents,
  - (ii) the proposals matters,
  - (iii) a statement of the fact that the pre-submission proposals documents are available for inspection and the places and times at which they can be inspected;
- (c) send to the DPD bodies—
  - (i) the authority's proposals for a DPD,
  - (ii) such supporting documents as are relevant to the body to which the documents are being sent,
  - (iii) notice of the proposals matters,
  - (iv) the statement in paragraph (b)(iii); and
- (d) give notice by local advertisement of—
  - (i) the proposals matters,
  - (ii) the fact that the pre-submission proposals documents are available for inspection and the places and times at which they can be inspected.

### **Representations on proposals for a development plan document**

**27.—(1)** Any person may make representations about a local planning authority's proposals for a DPD.

- (2) Any such representations must be—
  - (a) made within a period of 6 weeks starting on the day the local planning authority comply with regulation 26(a), and
  - (b) sent to the address and, where appropriate, the person specified pursuant to regulation 26(b) to (d).

(3) A local planning authority shall not prepare and submit the DPD to the Secretary of State until they have considered any representations made in accordance with paragraph (2).

### **Submission of documents and information to the Secretary of State**

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

- (a) the sustainability appraisal report;
- (b) if the authority have adopted their statement of community involvement, that statement;
- (c) a statement setting out—
  - (i) which of the bodies they have consulted pursuant to regulation 25(1),
  - (ii) how these bodies, and any other persons whom the authority have consulted, were consulted,
  - (iii) a summary of the main issues raised in those consultations, and
  - (iv) how those main issues have been addressed in the DPD;
- (d) a statement setting out—
  - (i) if representations were made under regulation 27(2)—
    - (aa) the number of representations made,
    - (bb) a summary of the main issues raised in those representations, and
    - (cc) how those main issues have been addressed in the DPD; or
  - (ii) that no such representations were made;
- (e) such supporting documents as in the opinion of the authority are relevant to the preparation of the DPD.

(2) Of the documents and statements mentioned or referred to in paragraph (1)—

- (a) 4 copies of each shall be sent in paper form,
- (b) 1 copy of those mentioned or referred to in paragraphs (1)(a) to (d) and, if practicable, of those referred to in paragraph (1)(e), shall be sent electronically.

(3) As soon as reasonably practicable after the authority submit a DPD to the Secretary of State they must—

- (a) make copies of the DPD documents and a statement of the DPD matters available for inspection during normal office hours at the places at which the pre-submission proposals documents were made available under regulation 26(a);
- (b) publish on their website—
  - (i) the DPD documents,
  - (ii) the DPD matters, and
  - (iii) a statement of the fact that the DPD documents are available for inspection and of the places and times at which they can be inspected;
- (c) send to each of the DPD bodies copies of—
  - (i) the DPD,
  - (ii) the sustainability appraisal report,
  - (iii) the pre-submission consultation statement,
  - (iv) such of the supporting documents sent to the Secretary of State pursuant to paragraph (1)(e) as are relevant to that body,
  - (v) notice of the DPD matters, and

- (vi) the statement referred to in paragraph (b)(iii);
- (d) give notice by local advertisement of—
  - (i) the DPD matters, and
  - (ii) the fact that the DPD documents are available for inspection and of the places and times at which they can be inspected; and
- (e) give notice to those persons who requested to be notified of the submission of the DPD to the Secretary of State that it has been so submitted.

### **Representations on development plan documents**

**29.**—(1) Subject to paragraph (3), a person may make representations about a DPD by sending them to the address and, where appropriate, the person specified pursuant to regulation 28(3) within the period of 6 weeks starting on the date on which the DPD is submitted to the Secretary of State under section 20(1).

(2) Before the person appointed to carry out the examination complies with section 20(7) he must consider any representations made in accordance with paragraph (1).

(3) Paragraph (1) does not apply to representations taken to have been made as mentioned in section 24(6) or (7) (non-conformity opinions of RPBs and the Mayor of London).

### **Conformity with regional strategy**

**30.**—(1) A local planning authority must make a request under section 24(2)(a) or (4)(a) on the same day that they submit a DPD to the Secretary of State.

(2) The period prescribed for the purposes of section 24(3) is 6 weeks starting on the day the request under section 24(2)(a) or (4)(a) is made.

### **Handling of representations: general**

**31.**—(1) This regulation does not apply to a site allocation representation.

(2) As soon as reasonably practicable after a local planning authority have received a representation on a DPD under regulation 29(1) they must—

- (a) make a copy of the representation available at the places at which the pre-submission proposals documents were made available under regulation 26(a),
- (b) where practicable, publish the representation on their website,
- (c) send to the Secretary of State—
  - (i) a statement of the total number of representations made,
  - (ii) copies of the representations,
  - (iii) a summary of the main issues raised in the representations, or
  - (iv) a statement that no representation has been made.

(3) A local planning authority need not comply with paragraph 2(a) to (c)(iii) if the representation is made after the period specified in regulation 29(1).

(4) The documents mentioned in paragraph (2)(c) shall be submitted to the Secretary of State by sending—

- (a) 4 copies of each in paper form; and
- (b) 1 copy electronically.

### **Handling of representations: site allocation representations**

**32.**—(1) This regulation applies to a site allocation representation.

(2) As soon as reasonably practicable after the period in regulation 29(1) the local planning authority must—

- (a) make a site allocation representation and a statement of the matters in paragraph (3) available for inspection during normal office hours at the places at which the pre-submission proposals documents were made available under regulation 26(a);
- (b) publish on their website—
  - (i) where practicable, the site allocation representation,
  - (ii) the matters in paragraph (3),
  - (iii) a statement of the fact that the site allocation representation is available for inspection and the places and times at which it can be inspected;
- (c) send to the DPD bodies—
  - (i) the address of the site to which the site allocation representation relates,
  - (ii) notice of the matters in paragraph (3),
  - (iii) a statement of the fact that the site allocation representation is available for inspection and the places and times at which it can be inspected; and
- (d) give notice by local advertisement of—
  - (i) the matters in paragraph (3),
  - (ii) the fact that the site allocation representation is available for inspection and the places and times at which it can be inspected.

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

- (a) the period within which representations on the site allocation representation must be made;
- (b) the address to which and, where appropriate, the person to whom—
  - (i) written representations, and
  - (ii) representations by way of electronic communications,

must be sent.

### **Representations on a site allocation representation**

**33.**—(1) Any person may make representations on a site allocation representation by sending them to the address and, where appropriate, the person specified pursuant to regulation 32(2) within the period of 6 weeks starting on the day the local planning authority comply with regulation 32(2).

(2) As soon as reasonably practicable after the authority has received a representation on a site allocation representation the local planning authority must send to the Secretary of State—

- (a) a statement of the number of representations made,
- (b) copies of all the representations,
- (c) a summary of the main issues raised in those representations, or
- (d) a statement that no such representations have been made.

(3) The documents mentioned in paragraph (2) shall be submitted to the Secretary of State by sending—

- (a) 4 copies of each in paper form; and
- (b) 1 copy electronically.

(4) Before the person appointed to carry out the examination complies with section 20(7) he must consider any representations made in accordance with paragraph (1).

### **Independent examination**

**34.**—(1) This regulation applies where a person requests the opportunity to appear before and be heard by the person carrying out the examination under section 20.

(2) At least 6 weeks before the opening of an independent examination the local planning authority must—

- (a) publish the matters mentioned in paragraph (3) on their website;
- (b) notify any person who has made a representation in accordance with regulation 29(1) or 33(1), and not withdrawn that representation, of those matters; and
- (c) give notice by local advertisement of those matters.

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

- (a) the time and place at which the examination is to be held, and
- (b) the name of the person appointed to carry out the examination.

### **Publication of the recommendations of the person appointed**

**35.**—(1) The local planning authority must comply with section 20(8)—

- (a) as soon as reasonably practicable after the day on which the DPD is adopted, or
- (b) if the Secretary of State gives a direction under section 21(1) or (4) after the person appointed has complied with section 20(7), as soon as reasonably practicable after receipt of the direction.

(2) When the local planning authority comply with section 20(8) they must—

- (a) make the recommendations of the person appointed and his reasons for those recommendations available for inspection during normal office hours at the places at which the pre-submission proposals documents were made available under regulation 26(a);
- (b) publish the recommendations and reasons on their website: and
- (c) give notice to those persons who requested to be notified of the publication of the recommendations of the person appointed that they have been so published.

### **Adoption of a development plan document**

**36.** As soon as reasonably practicable after the local planning authority adopt a DPD they must—

- (a) make available for inspection during normal office hours at the places at which the pre-submission proposals documents were made available under regulation 26(a)—
  - (i) the DPD,
  - (ii) an adoption statement, and
  - (iii) the sustainability appraisal report;
- (b) publish the adoption statement on their website;
- (c) give notice by local advertisement of—
  - (i) the adoption statement,
  - (ii) the fact that the DPD is available for inspection and the places and times at which the document can be inspected,

- (d) send the adoption statement to any person who has asked to be notified of the adoption of the DPD; and
- (e) send the DPD and the adoption statement to the Secretary of State.

#### **Withdrawal of a development plan document**

**37.**—(1) As soon as reasonably practicable after a DPD is withdrawn under section 22(1) the local planning authority must—

- (a) publish a statement of that fact on their website;
- (b) give notice of that fact by local advertisement;
- (c) notify any body to which notification was given under regulation 26(c) of that fact;
- (d) remove any copies, documents, matters and statements made available or published under regulation 26(a) and (b).

(2) As soon as reasonably practicable after a DPD is withdrawn under section 22(2) the local planning authority must comply with paragraph (1)(a) to (d) and in addition must—

- (a) notify any person who has made a representation in accordance with regulation 29(1) or 33(1), and not withdrawn that representation, of this fact; and
- (b) remove any copies, documents, representations, matters and statements made available or published under regulation 28(3)(a) and (b), 31(2), 32(2)(a) and (b) and 34(2)(a).

#### **Direction not to adopt a development plan document**

**38.**—(1) Where, in relation to a DPD, the person appointed to carry out an examination under section 20 has complied with subsection (7) of that section, the Secretary of State may at any time direct the local planning authority not to adopt that DPD until he has decided whether to give a direction under section 21(1) or (4).

(2) If the Secretary of State gives such a direction the authority must—

- (a) make the direction available for inspection during normal office hours at the places at which the pre-submission proposals documents were made available under regulation 26(a),
- (b) publish the direction on their website,
- (c) not adopt the DPD until the Secretary of State has notified them of his decision under paragraph (1).

#### **Direction to modify a development plan document**

**39.** If the Secretary of State gives a direction under section 21(1) in respect of a DPD, the local planning authority must—

- (a) make the direction available for inspection during normal office hours at the places at which the pre-submission proposals documents were made available under regulation 26(a);
- (b) publish the direction on their website; and
- (c) at the time they comply with regulation 36 publish and make available for inspection in accordance with that regulation—
  - (i) a statement that the Secretary of State has withdrawn the direction, or
  - (ii) the Secretary of State's notice under section 21(2)(b).

### **Section 21(4) directions (call-in): supplementary**

**40.**—(1) This regulation and regulations 41 to 44 apply where the Secretary of State gives a direction under section 21(4).

(2) If the direction is given before the local planning authority submit to the Secretary of State the DPD to which the direction relates—

- (a) the Secretary of State must—
  - (i) carry out an appraisal of the sustainability of the proposals in the DPD or, where his direction relates to part only of the DPD, the proposals in that part and prepare a report of the findings of the appraisal, and
  - (ii) comply with regulation 30 as if references in that regulation to the local planning authority were references to the Secretary of State; and
- (b) the local planning authority must—
  - (i) if the direction is given before they comply with regulation 26, publish the direction and make it available for inspection—
    - (aa) when they comply with that regulation, and
    - (bb) in accordance with that regulation,
  - (ii) if the direction is given after the authority have complied with regulation 26—
    - (aa) make the direction available for inspection during normal office hours at the places at which the pre-submission proposals documents were made available under regulation 26(a), and
    - (bb) publish the direction on their website; and
  - (iii) subject to any necessary modifications, comply with the regulations in paragraph (3) as if they were preparing the DPD;

(3) The regulations referred to in paragraph (2)(b)(iii) are regulations 26 to 34 (with the exception of regulation 30) and regulation 37 (ignoring paragraph (1)).

(4) Nothing in paragraph (2)(b)(iii) requires a local planning authority to take again any step taken before receipt of the direction.

### **Changes proposed by the Secretary of State to development plan documents (call-in)**

**41.**—(1) If the Secretary of State proposes to depart from the recommendations of the person appointed to carry out an examination under section 20, he must publish—

- (a) the changes he proposes to make, and
- (b) his reasons for doing so.

(2) As soon as reasonably practicable after the Secretary of State complies with paragraph (1) the local planning authority must—

- (a) make copies of the changes and reasons and a statement of the matters in paragraph (3) available for inspection during normal office hours at the places at which the pre-submission proposals documents were made available under regulation 26(a);
- (b) publish on their website—
  - (i) the changes and reasons,
  - (ii) the matters in paragraph (3),
  - (iii) a statement of the fact that the changes and reasons are available for inspection and the places and times at which they can be inspected;

- (c) send copies of the changes and reasons to the bodies in paragraph (4) and notify these bodies of the matters in paragraph (3); and
- (d) give notice by local advertisement of—
  - (i) the matters in paragraph (3),
  - (ii) the fact that the changes and reasons are available for inspection and the places and times at which they can be inspected.
- (3) The matters referred to in paragraph (2) are—
  - (a) the period within which representations on the changes must be made;
  - (b) the address to which and, where appropriate, the person to whom representations (whether made by way of electronic communications or otherwise) must be sent; and
  - (c) a statement that any representations made may be accompanied by a request to be notified at a specified address of the Secretary of State's decision under section 21(9)(a).
- (4) The bodies referred to in paragraph (2)(c) are—
  - (a) each of the specific consultation bodies to the extent that the Secretary of State thinks the changes affect the body; and
  - (b) such of the general consultation bodies as the Secretary of State considers appropriate.

#### **Representations on proposed changes (call-in)**

**42.**—(1) Any person may make representations on the changes the Secretary of State proposes to make by sending them to the address and, where appropriate, the person specified pursuant to regulation 41(2) within the period of 6 weeks starting on the day on which the Secretary of State complies with regulation 41(1).

(2) Before the Secretary of State complies with section 21(9)(a) he must consider any representations made in accordance with paragraph (1).

#### **Publication of the recommendations of the person appointed to carry out the independent examination (call-in)**

**43.** As soon as reasonably practicable after the Secretary of State complies with section 21(6), the local planning authority must—

- (a) make the recommendations and reasons of the person appointed to carry out the examination available for inspection during normal office hours at the places at which the pre-submission proposals documents were made available under regulation 26(a), and
- (b) publish the recommendations and reasons on their website.

#### **Secretary of State's decision after section 21(4) direction (call-in)**

**44.** As soon as reasonably practicable after the Secretary of State approves, approves subject to modifications or rejects a DPD or part of it (as the case may be) in accordance with section 21(9)(a), the local planning authority must—

- (a) make available for inspection during normal office hours at the places at which the pre-submission proposals documents were made available under regulation 26(a)—
  - (i) the DPD and the reasons given by the Secretary of State pursuant to section 21(9)(b),
  - (ii) a decision statement,
- (b) publish the decision statement on their website,
- (c) give notice by local advertisement of—

- (i) the decision statement,
- (ii) the fact that the DPD and 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
- (d) send the decision statement to any person who has asked to be notified of the Secretary of State's decision under section 21(9)(a).

**Secretary of State's default power**

- 45.** Where the Secretary of State prepares or revises a DPD under section 27–
- (a) he must comply with such provisions of Part 2 of the Act and such provisions of these Regulations–
    - (i) as are relevant to the preparation of the DPD or revision, and
    - (ii) as if references in those provisions to the local planning authority were references to the Secretary of State;
  - (b) regulations 41 to 44 apply, subject to any necessary modifications and as if references to a local planning authority were references to the Secretary of State.