
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Town and Country Planning (Local Development) (England) Regulations 2004 (“the 2004 Regulations”) which make provision in connection with the system of local development planning established by Part 2 of the Planning and Compulsory Purchase Act 2004 (“the 2004 Act”). Since the 2004 Regulations apply in relation to England only, the amendments made by these Regulations similarly only apply in relation to England.

Regulation 2(2) amends the definition of “relevant authority” in regulation 2(1) of the 2004 Regulations to include police authorities. The definition of “specific consultation bodies” in regulation 2(1) of the 2004 Regulations is amended to refer to the Secretary of State for Transport (instead of the Highways Agency and the Strategic Rail Authority) and to Primary Care Trusts (instead of Strategic Health Authorities). In addition, the Coal Authority becomes a “specific consultation body” as does Natural England (which took over functions of English Nature and the Countryside Agency).

Regulation 2(6) makes a minor amendment which has the effect that local development schemes must specify that an adopted proposals map will be amended when a development plan document is approved.

Regulation 2(7) substitutes new regulations 10, 11 and 11A for regulations 10 and 11. The new regulations relate to the procedure connected with the preparation and revision of local development schemes. In particular, they deal with the timing of the submission of local development schemes to the Secretary of State and the Mayor of London and make changes to the circumstances under which such schemes can be brought into effect, taking account of the Mayor’s direction-making powers under section 15(4) of the 2004 Act. New regulation 11A provides for how copies of directions made under section 15(4) or (8) of the 2004 Act should be sent to the Secretary of State and prescribes the time within which the Secretary of State may exercise powers of direction under sections 15(6B), (8B)(b) and (8C) of that Act.

Regulation 2(9) makes a minor amendment to the definition of “adoption statement” for the purposes of Part 5 of the 2004 Regulations which relates to supplementary planning documents.

Regulation 2(10) substitutes new regulations 24 to 31 for regulations 24 to 33. The regulations relate to development plan documents and statements of community involvement. In particular, new duties are provided relating to public participation in the preparation of development plan documents and statements of community involvement (see new regulations 25 and 26). The time at which representations may be made in relation to these documents and statements is changed with the result that such representations must be made before the documents and statements are submitted to the Secretary of State under section 20(1) of the 2004 Act. The procedures in regulations 32 and 33 of the 2004 Regulations relating to consultation on site allocation representations are removed. A minor amendment is made to the definition of “adoption statement” in regulation 24(2).

The Regulations contain consequential and minor amendments to the 2004 Regulations (see regulation 2(3) to (5), (8) and (11) to (22)). In particular, regulation 2(17), (21) and (22) elaborates on the procedures to be followed where a direction is made under section 21(4) of the 2004 Act or where the Secretary of State exercises the default powers in section 27 of that Act.

Regulation 3 contains transitional provisions.

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

An impact assessment has been prepared in relation to these Regulations and copies placed in the libraries of both Houses of Parliament. A copy is available from Planning Delivery and Performance, 1/G9, Eland House, Bressenden Place, London SW1E 5DU.