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STATUTORY INSTRUMENTS

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**2016 No. 871**

**TOWN AND COUNTRY PLANNING, ENGLAND**

**The Town and Country Planning (Local Planning)  
(England) (Amendment) Regulations 2016**

*Made* - - - - *5th September 2016*  
*Laid before Parliament* *7th September 2016*  
*Coming into force* - - *1st October 2016*

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 17(7), 33A(9) and 36 of the Planning and Compulsory Purchase Act 2004(1).

**Citation and commencement**

1.—(1) These Regulations may be cited as the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2016.

(2) These Regulations come into force on 1st October 2016.

**Amendments to the Town and Country Planning (Local Planning) (England) Regulations 2012**

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

**Regulation 2**

3. In regulation 2—

(a) in the appropriate place insert—

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

(b) in the definition of “specific consultation bodies”, after paragraph (h) insert—

“(ha) a neighbourhood forum any part of whose area is in, or adjoins, the local planning authority’s area,”

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(1) 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”.  
(2) S.I. 2012/767.  
(3) 1990 c. 8. Section 61F was inserted by Schedule 9(1) to the Localism Act 2011 (c. 20).

## **Regulation 7**

4. In regulation 7(1), for “15(4)” substitute “15(3A), 15(4)”(4).

## **Regulation 29**

5. For regulation 29 substitute—

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

- (a) a copy of the direction or a statement that the Secretary of State has withdrawn the direction (as the case may be); and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

available in accordance with regulation 35.

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

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

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

available in accordance with regulation 35.

(4) Where—

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

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

## **Regulation 30**

6. In regulation 30, after “section 21(4) of” insert “, or paragraph 8(5) of Schedule A1 to,”.

## **Regulation 31**

7. In regulation 31—

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(4) Section 15(3A) was inserted into the Planning and Compulsory Purchase Act 2004 (c. 5) by section 143(1) of the Housing and Planning Act 2016 (c. 22).

(5) Section 21A was inserted into the Planning and Compulsory Purchase Act 2004 (c. 5) by section 145(5) of the Housing and Planning Act 2016 (c. 22) and Schedule A1 was inserted into that Act by section 142 of the Housing and Planning Act 2016 (c. 22). Section 27 was substituted by section 146 of the Housing and Planning Act 2016.

- (a) the words from “the Secretary of State” to the end become paragraph (a); and
- (b) at the end of paragraph (a) insert—
  - “(b) the Mayor of London prepares a local plan under paragraph 1 of Schedule A1 to the Act; or
  - (c) a combined authority prepares a local plan under paragraph 5 of Schedule A1 to the Act.”

### **Regulation 35**

8. For regulation 35(4) substitute—

“(4) Where—

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

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

### **Schedule 1**

9.—(1) Schedule 1 is amended as follows.

- (2) In paragraph 1, after “section 21(4) of” insert “, or paragraph 8(5) of Schedule A1 to,”.
- (3) For the heading to paragraph 2 substitute—

*“Making available a direction given under section 21(4)”*

(4) After paragraph 2 insert—

#### **“Provision of a copy of a direction to the local planning authority concerned**

2A. Where the Secretary of State gives a direction under paragraph 8(5) of Schedule A1 to the Act, the Mayor of London or combined authority (as the case may be) must provide a copy of the direction to the local planning authority concerned and that authority must make a copy of the direction available in accordance with regulation 35.”.

(5) For the heading to paragraph 3 substitute—

*“Procedure for pre-submission local plans: direction under paragraph section 21(4)”*

(6) After paragraph 3 insert—

#### **“Procedure for pre-submission local plans: direction under paragraph 8(5) of Schedule A1**

3A.—(1) If the direction under paragraph 8(5) of Schedule A1 to the Act is given before the Mayor of London under paragraph 2(2), or the combined authority under paragraph 6(2), of Schedule A1 to the Act has held an independent examination, the Mayor of London or the combined authority (as the case may be) must—

- (a) unless they have already carried out an appraisal of the sustainability of the proposals in each development plan document, do so;

- (b) before complying with paragraph (c)—
  - (i) provide a copy of each of the proposal documents and a statement of the representations procedure (both as defined in paragraph 2(10) of Schedule 2) to the local planning authority concerned who must make the documents and statement available in accordance with regulation 35;
  - (ii) provide a statement of the representations procedure and a statement of the fact that the proposal documents are available for inspection and of the places and times at which they can be inspected to the local planning authority concerned who must send both statements to each of the general consultation bodies and each of the specific consultation bodies which were invited to make representations under paragraph 2(5)(b) of Schedule 2;
- (c) 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) the statement of the representations procedure;
  - (iii) copies of any representations made in accordance with sub-paragraph (2); and
  - (iv) such supporting documents as in the opinion of the Mayor of London or the combined authority (as the case may be) are relevant to the preparation of the local plan; and
- (d) 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) provide a copy of the local plan and each of the documents referred to in paragraph (c) to the local planning authority concerned who must make the local plan and documents available in accordance with regulation 35; and
  - (iii) provide notification that those documents are available for inspection and of the places at times at which they can be inspected to the local planning authority concerned who must send the notification to each of the general consultation bodies and each of the specific consultation bodies which were invited to make representations under paragraph 2(5)(b) of Schedule 2.

(2) Any person may make representations to the Mayor of London or the combined authority (as the case may be) about a local plan made available pursuant to sub-paragraph (1) (b) but they must be received by the Mayor of London or the combined authority (as the case may be) before the end of the period specified in the statement of the representations procedure made available under that sub-paragraph.”.

(7) In paragraphs 4(3), 5, 7 and 8, after “section 21(9)(a) of”, wherever it appears, insert “, or paragraph 8(6) of Schedule A1 to,”.

(8) In paragraph 4—

(a) after sub-paragraph (1) insert—

“(1A) Where the Secretary of State proposes to make a decision under paragraph 8(6) of Schedule A1 to 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 paragraph 2(2) or paragraph 6(2) of Schedule A1 to the Act, the Secretary of State must notify the Mayor of London or the combined authority (as the case may be) of that fact and provide a document containing the proposed changes and the reasons for them.

(1B) Where the Mayor of London or a combined authority receives notice under sub-paragraph (1A), the Mayor of London or the combined authority (as the case may be) must provide the notice and document referred to under sub-paragraph (1A) to the local planning authority concerned.”

(b) in sub-paragraph (2), after “under sub-paragraph (1)” insert “or (1B)”.

(9) In paragraph 6—

(a) after “section 21(6) of” insert “, or paragraph 9(6) of Schedule A1 to,”;

(b) after “local planning authority” insert “, and the Mayor of London or combined authority (as the case may be) where the independent examination is held under paragraph 2(2) or 6(2) of Schedule A1 to the Act,”.

(10) In paragraph 7—

(a) after “local planning authority” insert “, and the Mayor of London or combined authority (as the case may be) where the decision in this paragraph is made under paragraph 8(6) of Schedule A1 to the Act,”;

(b) after “section 21(9)(b) of” insert “, or paragraph 8(6) of Schedule A1 to,”.

## **Schedule 2**

**10.**—(1) Schedule 2 is amended as follows.

(2) In the heading, for “Secretary of State’s” substitute “The relevant authority’s”.

(3) For paragraph 1 substitute—

“**1.**—(1) This Schedule applies where—

(a) the Secretary of State prepares a local plan under section 27 of the Act;

(b) the Mayor of London prepares a local plan under paragraph 1 of Schedule A1 to the Act; or

(c) a combined authority prepares a local plan under paragraph 5 of Schedule A1 to the Act.

(2) In this Schedule, “the relevant authority” means a person or body which prepares a local plan in the circumstances mentioned in sub-paragraph (1)(a), (b) or (c).”

(4) In paragraph 2—

(a) for “Secretary of State”, wherever it appears in sub-paragraphs (1), (2) (3), (5), (6), (7), (8) and (10), substitute “relevant authority”;

(b) in sub-paragraph (4), at the beginning insert “Where the Secretary of State prepares a local plan under section 27 of the Act”; and

(c) in sub-paragraphs (5), (7) and (8) for “section 27(2) of the Act” substitute “section 27(2) of, or paragraphs 2(2) or 6(2) of Schedule A1 to, the Act as the case may be”.

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

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

*Gavin Barwell*  
Minister of State  
Department for Communities and Local  
Government

5th September 2016

## 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”).

These amendments are consequential to the amendments to Part 2 of the Planning and Compulsory Purchase Act 2004 (“the 2004 Act”) made by sections 143 to 147 of, and Schedule 11 to, the Housing and Planning Act 2016 (“the 2016 Act”).

Regulation 4 makes amendments to the 2012 Regulations which are consequential on the amendments to the 2004 Act made by section 143 of the 2016 Act.

Regulation 5 makes amendments to the 2012 Regulations which are consequential on the amendments to the 2004 Act made by sections 144, 145 and 146 of the 2016 Act.

Regulations 6 to 10 make amendments to the 2012 Regulations which are consequential on the amendments to the 2004 Act made by section 147 of, and Schedule 11 to, the 2016 Act.

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