
EXPLANATORY NOTE

(This note is not part of the Regulations)

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

The Regulations prescribe the form and content of the local development scheme (to be prepared by local planning authorities (“LPAs”)) and the procedure to be followed to bring it into effect (Part 3). The Act provides for two forms of local development documents (“LDDs”):- supplementary planning documents (“SPDs”) and development plan documents (“DPDs”). The Regulations prescribe the form and content of LDDs (Part 4) and regulate the procedure to be followed in their preparation.

The main steps in the SPD procedure are—

- publication of the SPD and consultation with certain bodies about it (regulation 17);
- consideration of representations made about the SPD (regulation 18);
- adoption of the SPD by the LPA (regulation 19).

There are also provisions about the withdrawal or revocation of SPDs (regulations 20 and 21) and the intervention of the Secretary of State in the SPD preparation process (regulations 22 and 23).

The main steps in the DPD procedure are—

- publication of the proposals for a DPD and consultation with certain bodies about those proposals (regulations 25 and 26);
- consideration of representations made about the DPD proposals (regulation 27);
- submission of the DPD to the Secretary of State (regulation 28);
- representations made about the DPD (regulation 29);
- independent examination of the DPD, including consideration of representations made, by a person appointed by the Secretary of State (regulation 34);
- publication of the recommendations of the person appointed to carry out the examination (regulation 35);
- adoption of the DPD by the LPA (regulation 36).

There are also provisions about how different forms of representation on a DPD are to be handled (regulations 31 and 32), about the withdrawal of a DPD (regulation 37) and the intervention of the Secretary of State in the DPD preparation process (including provisions about DPDs directed by the Secretary of State to be submitted for his consideration) (regulations 38 to 45).

The Regulations also make provision for the preparation of joint LDDs (regulation 46) and the operation of joint committees (comprising two or more local planning authorities) (regulation 47). They also require the preparation by the LPA of an annual monitoring report (regulation 48), make provision about electronic communications (regulation 4) and about the availability of documents (Part 9).

The Regulations apply to county councils for the purposes of minerals and waste development planning as they apply to LPAs for local development planning purposes.