
STATUTORY INSTRUMENTS

2004 No. 2204

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

PART 5

SUPPLEMENTARY PLANNING DOCUMENTS

Application and interpretation of Part 5

16.—(1) This Part applies to SPDs only.

(2) In this Part—

“adoption statement” means a document that specifies—

- (a) the date on which an SPD is adopted, and
- (b) that any person aggrieved by the SPD may apply to the High Court for permission to apply for judicial review of the decision to adopt the SPD; and
- (c) that any such application for leave must be made promptly and in any event not later than 3 months after the date on which the SPD was adopted;

“consultation statement” means the statement prepared under regulation 17(1);

“SPD documents” means—

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

“SPD matters” means—

- (a) the title of the SPD,
- (b) the subject matter of, and the area covered by, the SPD,
- (c) the period within which representations about the SPD must be made in accordance with regulation 18(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 18(2)(b),
- (e) a statement that any representations may be accompanied by a request to be notified at a specified address of the adoption of the SPD.

Public participation

17.—(1) Before a local planning authority adopt an SPD they must—

- (a) make copies of the SPD documents and a statement of the SPD 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; and
- (b) prepare a statement setting out—
 - (i) the names of any persons whom the authority consulted in connection with the preparation of the SPD,
 - (ii) how those persons were consulted,
 - (iii) a summary of the main issues raised in those consultations,
 - (iv) how those issues have been addressed in the SPD.
- (2) At the time the authority comply with paragraph (1)(a) they must—
 - (a) publish on their website—
 - (i) the SPD documents,
 - (ii) the SPD matters, and
 - (iii) a statement of the fact that the SPD documents are available for inspection and of the places and times at which they can be inspected;
 - (b) send to the bodies specified in paragraph (3)—
 - (i) the SPD,
 - (ii) the sustainability appraisal report,
 - (iii) the consultation statement,
 - (iv) such of the supporting documents as are relevant to the body to which the documents are being sent,
 - (v) notice of the SPD matters, and
 - (vi) the statement referred to in paragraph (a)(iii);
 - (c) give notice by local advertisement of—
 - (i) the SPD matters,
 - (ii) the fact that the SPD documents are available for inspection and the places and times at which they can be inspected; and
 - (d) make a request under section 24(2)(b) or (4)(b) (conformity with regional strategy).
- (3) The bodies referred to in paragraph (2)(b) are—
 - (a) each of the specific consultation bodies to the extent that the local planning authority thinks that the SPD affects the body; and
 - (b) such of the general consultation bodies as the local planning authority consider appropriate.

Representations on supplementary planning documents

- 18.**—(1) Any person may make representations about an SPD.
- (2) Any such representations must be—
 - (a) made within the period, and
 - (b) sent to the address and, where appropriate, the person, specified pursuant to regulation 17(2).

(3) The period referred to in paragraph (2)(a) must be a period of not less than 4 weeks or more than 6 weeks starting on the day on which the local planning authority complies with regulation 17(1).

- (4) A local planning authority shall not adopt an SPD until—
- (a) they have considered any representations made in accordance with paragraph (2); and
 - (b) have prepared a statement setting out—
 - (i) a summary of the main issues raised in these representations, and
 - (ii) how these main issues have been addressed in the SPD which they intend to adopt.

Adoption of supplementary planning documents

19. As soon as reasonably practicable after the local planning authority adopt an SPD they must—
- (a) make available for inspection during normal office hours at the places at which the SPD was made available under regulation 17(1)(a)—
 - (i) the statement in regulation 18(4)(b),
 - (ii) an adoption statement, and
 - (iii) the SPD;
 - (b) publish on their website—
 - (i) the statement referred to in regulation 18(4)(b), and
 - (ii) the adoption statement; and
 - (c) send the adoption statement to any person who has asked to be notified of the adoption of the SPD.

Withdrawal of a supplementary planning document

20. If an SPD is withdrawn the local planning authority must—
- (a) publish a statement of that fact on their website;
 - (b) notify—
 - (i) any body to which notification was given and to whom documents were sent under regulation 17(2)(b),
 - (ii) any person who has made a representation in accordance with regulation 18(2), of that fact; and
 - (c) remove any copies, documents, matters and statements made available or published under regulation 17(1)(a) and (2)(a).

Revocation of a supplementary planning document

21. A local planning authority may revoke an SPD if—
- (a) it ceases to comply with regulation 13(8); or
 - (b) it contains policies relating to the development of a site specified in the SPD, and that development has been completed.

Direction not to adopt a supplementary planning document

- 22.—(1) The Secretary of State may at any time direct a local planning authority—

- (a) not to adopt an SPD until he has decided whether to give a direction under section 21(1); and
 - (b) to send to him a copy of the SPD made available under regulation 17(1)(a).
- (2) If the Secretary of State issues the first-mentioned direction in paragraph (1), the authority must—
- (a) if the direction is made before they have complied with regulation 17, at the time they comply with that regulation—
 - (i) publish the direction and make it available for inspection during normal office hours—
 - (aa) at their principal office, and
 - (bb) at such other places within their area as the authority consider appropriate; and
 - (ii) send a copy of the SPD to the Secretary of State;
 - (b) if the direction is made after they have complied with regulation 17—
 - (i) make the direction available for inspection during normal office hours at the places at which the SPD was made available under regulation 17(1)(a),
 - (ii) publish the direction on their website.
- (3) The first-mentioned direction in paragraph (1) shall be treated as withdrawn on the date on which the authority receive—
- (a) notice that the Secretary of State does not intend to give a direction under section 21(1); or
 - (b) the Secretary of State’s direction under section 21(1).

Direction to modify a supplementary planning document

- 23.** If the Secretary of State gives a direction under section 21(1) in respect of an SPD, the local planning authority must—
- (a) make the direction available for inspection during normal office hours at the places at which the SPD was made available under regulation 17(1)(a);
 - (b) publish the direction on their website; and
 - (c) at the time they comply with regulation 19—
 - (i) make available for inspection during normal office hours at the places at which the SPD was made available under regulation 17(1)(a); and
 - (ii) publish on their website,
 - (aa) a statement that the Secretary of State has withdrawn the direction, or
 - (bb) the Secretary of State’s notice under section 21(2)(b).