
STATUTORY INSTRUMENTS

2009 No. 401

TOWN AND COUNTRY PLANNING, ENGLAND

**The Town and Country Planning (Local Development)
(England) (Amendment) Regulations 2009**

Made - - - - 25th February 2009

Laid before Parliament 4th March 2009

Coming into force in accordance with regulation 1

The Secretary of State, in exercise of the powers conferred by sections 17(7), 36 and 122(3) of the Planning and Compulsory Purchase Act 2004⁽¹⁾, makes the following Regulations:

Citation and commencement

1.—(1) These Regulations may be cited as the Town and Country Planning (Local Development) (England) (Amendment) Regulations 2009 and, subject to paragraph (2), shall come into force on 6th April 2009.

(2) The amendments made by regulation 2(2)(a), (c) and (d) shall come into force on 6th April 2010.

Amendment of the Town and Country Planning (Local Development) (England) Regulations 2004

2.—(1) The Town and Country Planning (Local Development) (England) Regulations 2004⁽²⁾ are amended as follows.

(2) In regulation 2(1) (interpretation) in the definition of “specific consultation bodies”—

- (a) in paragraph (a) for “sub-paragraphs (i) to (x)” substitute “(i) to (xi)”;
- (b) after “Secretary of State for Transport” insert “in relation to the Secretary of State’s functions concerning railways by virtue of section 1 of the Railways Act 2005⁽³⁾ and the Secretary of State’s functions as highway authority by virtue of section 1 of the Highways Act 1980⁽⁴⁾,”;
- (c) at the end of paragraph (a) insert—

(1) 2004 c.5. As to powers to prescribe, see section 122(1). Section 17(7) of the 2004 Act was amended by the Planning Act 2008 (c.29), section 180(3)(d).

(2) S.I. 2004/2204 amended by S.I. 2008/1371.

(3) 2005 c. 14.

(4) 1980 c. 66.

- “(xi) the Homes and Communities Agency⁽⁵⁾”;
- (d) in paragraph (b) for “paragraph (a)(i) to (x)” substitute “(a)(i) to (xi)”.
- (3) In regulation 6 (documents to be specified in local development schemes as local development documents)—
- (a) in the heading omit “Documents to be specified in local development schemes as”;
- (b) in paragraph (1) for “for the purposes of section 17(1)(a) which must be specified as LDDs in a local development scheme” substitute “for the purposes of section 17(7)(za) which are LDDs”; and
- (c) in paragraph (2) for “for the purposes of section 17(1)(a) which, if prepared, must be specified as LDDs in a local development scheme” substitute “for the purposes of section 17(7)(za) which, if prepared, are LDDs”.
- (4) In regulation 8 (additional matters to be specified in local development schemes and revisions of such schemes)—
- (a) in paragraph (a) omit “as an LDD”;
- (b) omit paragraph (b); and
- (c) in paragraph (c) omit “as a DPD and the local planning authority’s statement of community involvement”.
- (5) In regulation 16(2) (application and interpretation of Part 5) in the definition of “SPD documents” omit paragraph (b).
- (6) In regulation 17 (public participation) omit paragraph (2)(b)(ii).
- (7) In regulation 24 (application and interpretation of Part 6)—
- (a) omit paragraph (1);
- (b) in paragraph (2)—
- (i) in the definition of “adoption statement” omit paragraph (b);
- (ii) in the definition of “proposed submission documents” omit paragraph (b);
- (iii) for the definition of “statement of the representations procedure” substitute—
- “statement of the representations procedure” means a statement specifying—
- (a) the title of the DPD which the local planning authority propose to submit to the Secretary of State;
- (b) the subject-matter of, and the area covered by, that document;
- (c) the period within which representations about that document must be made in accordance with regulation 28(2);
- (d) the address to which, and the name of the person (if any) to whom, representations about that document must be made in accordance with regulation 28(2);
- (e) that representations may be made in writing or by way of electronic communications; and
- (f) that representations may be accompanied by a request to be notified at a specified address of any of the following—
- (i) that the DPD has been submitted for independent examination under section 20,

(5) The Homes and Communities Agency was established by section 1 of the Housing and Regeneration Act 2008 (c.17).

- (ii) the publication of the recommendations of any person appointed to carry out an independent examination of the DPD, and
 - (iii) the adoption of the DPD.”.
- (8) In regulation 26 (public participation in the preparation of a statement of community involvement) omit paragraph (2)(a).
- (9) In regulation 27 (publication of a development plan document)—
 - (a) in paragraph (c) omit “or 26(1)”;
 - (b) in paragraph (d) omit “or regulation 26(1)”.
- (10) In regulation 30 (submission of documents and information to the Secretary of State)—
 - (a) in paragraph (1)(a) and (b) omit “except in the case of a statement of community involvement,”;
 - (b) omit sub-paragraph (c) of paragraph (1);
 - (c) in paragraph (1)(d)—
 - (i) omit “or regulation 26”;
 - (ii) for the words “either of those regulations” substitute “regulation 25” in each place where they occur;
 - (d) in paragraph (3)(c) omit “or 26(1) (as the case may be)”;
 - (e) in paragraph (3)(d) omit “or 26(1)”.

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

Iain Wright
Parliamentary Under Secretary of State
Department for Communities and Local
Government

25th February 2009

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 relating to the system of local development planning established by Part 2 of the Planning and Compulsory Purchase Act 2004 (“the 2004 Act”). Section 180 of the Planning Act 2008 (“the 2008 Act”) amends the 2004 Act with respect to local development schemes and local development documents (“LDDs”).

The amendments in regulation 2, with the exception of those in paragraphs 2(a) to (d) and (5) and (9) are in consequence of the amendments to the 2004 Act. The Homes and Communities Agency is also added as a specific consultation body following that body’s establishment by the Housing and Regeneration Act 2008.

Regulation 2(2) amends the definition of “specific consultation bodies” in regulation 2(1) of the 2004 Regulations to include the Homes and Communities Agency and to make explicit that the duty to consult the Secretary of State for Transport relates to the Secretary of State’s functions in relation to highways and railways.

Regulation 2(3) amends regulation 6 of the 2004 Regulations so that the documents originally required to be specified in a local development scheme are now to be LDDs. Under the amended section 15 of the 2004 Act, a scheme need not include all LDDs: only those LDDs which are development plan documents.

Regulation 2(4) amends regulation 8 of the 2004 Regulations as a consequence of the removal of the duty to specify LDDs other than development plan documents in a local development scheme.

Regulation 2(5) and (6) amends regulations 16 and 17 of the 2004 Regulations as a consequence of the removal of the duty to provide a sustainability appraisal report for LDDs other than development plan documents.

Regulation 2(7) amends regulation 24 of the 2004 Regulations as a consequence of the removal of the duty to submit the statement of community involvement to the Secretary of State under section 20 of the 2004 Act.

Regulation 2(8) amends regulation 26 of the 2004 Regulations to remove the duty to consult the Secretary of State for Transport in relation to statements of community involvement.

Regulation 2(9) and 2(10) amends regulations 27 and 30 of the 2004 Regulations as a consequence of the removal of the duty to submit the statement of community involvement to the Secretary of State under section 20 of the 2004 Act.

An Impact Assessment has not been prepared for these Regulations as they have no additional impact on business, charities or the public sector beyond that examined in the Impact Assessment that accompanied the Planning Bill when it was introduced in Parliament on 27th November 2007. A copy of this assessment was placed in the Library of each House of Parliament and can be found on the Communities and Local Government website (<http://www.communities.gov.uk>).