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STATUTORY INSTRUMENTS

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**2010 No. 602**

**TOWN AND COUNTRY PLANNING, ENGLAND**

The Local Democracy, Economic Development  
and Construction Act 2009 (Consequential  
Amendments) (England) Order 2010

<i>Made</i>	- - - -	<i>1st March 2010</i>
<i>Laid before Parliament</i>		<i>8th March 2010</i>
<i>Coming into force</i>	- -	<i>1st April 2010</i>

The Secretary of State, in exercise of the powers conferred by section 85(2) and (3) of the Local Democracy, Economic Development and Construction Act 2009(1), makes the following Order:

**Citation and commencement**

1.—(1) This Order may be cited as the Local Democracy, Economic Development and Construction Act 2009 (Consequential Amendments) (England) Order 2010.

(2) This Order shall come into force on 1st April 2010.

**Amendments to the Town and Country Planning (General Development Procedure) Order 1995**

2.—(1) The Town and Country Planning (General Development Procedure) Order 1995(2) is amended as follows.

(2) In article 1(2) (citation, commencement and interpretation) after the definition of “reserved matters” insert—

““responsible regional authority” has the same meaning as in section 72 (responsible regional authorities) of the Local Democracy, Economic Development and Construction Act 2009;”.

(3) In article 2B(3)(a) (local development orders) for “the body recognised” to “regional planning body” substitute “the responsible regional authority”.

(4) In article 10(2)(n) (consultations before the grant of permission)—

(a) omit “section 7 and”; and

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(1) 2009 c. 20.

(2) S.I. 1995/419, amended by S.I. 2003/2047, 2005/2087, 2006/1062; there are other amending instruments but none is relevant.

(b) after the words “that Act” insert “in relation to London or a regional strategy within the meaning of section 70 of the Local Democracy, Economic Development and Construction Act 2009 (regional strategy) in relation to the rest of England”.

(5) In the heading to article 11 (consultation with RPB or county planning authority) in relation to England for “RPB” substitute “responsible regional authority”.

### **Amendments to the Town and Country Planning (Development Plan) (England) Regulations 1999**

3.—(1) The Town and Country Planning (Development Plan) (England) Regulations 1999(3) are amended as follows.

(2) In regulation 2(1) (interpretation) for the definition of “RSS” substitute ““regional strategy” has the same meaning as in Part 5 of the Local Democracy, Economic Development and Construction Act 2009;”.

(3) In regulation 24A(11)(b) (further deposit of proposals) for “an RSS” substitute “a regional strategy”.

### **Amendments to the Town and Country Planning (Local Development) (England) Regulations 2004**

4.—(1) The Town and Country Planning (Local Development) (England) Regulations 2004(4) are amended as follows.

(2) In regulation 2(1) (interpretation)—

(a) for the definition of “regional planning body” substitute—

““regional strategy” has the same meaning as in section 70 (regional strategy) of the Local Democracy, Economic Development and Construction Act 2009;”;

(b) after the definition of “relevant authority” insert—

““responsible regional authority” has the same meaning as in section 72 (responsible regional authorities) of the Local Democracy, Economic Development and Construction Act 2009;”;

(c) in the definition of “specific consultation bodies”—

(i) in paragraph (a) for “regional planning body” substitute “responsible regional authority”; and

(ii) in paragraph (a)(viii) omit the words “is in or”.

(3) In regulation 5(2)(b) (survey of areas: county councils) for “regional planning body” substitute “responsible regional authority”.

(4) Omit regulation 15(1)(a) (local development documents: additional matters to which regard to be had).

(5) In regulation 17(2)(d) (public participation) omit “(2)(b) or”.

(6) In regulation 26(2)(d) (public participation in the preparation of a statement of community involvement) for “regional planning body” substitute “responsible regional authority”.

(7) In regulation 28(4) (representations relating to a development plan document) omit “(6) or” and “RPBs and”.

(8) In regulation 29(1) (conformity with regional strategy) omit “(2)(a) or”.

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(3) S.I. 1999/3280, amended by S.I. 2004/2205; there are other amending instruments but none is relevant.

(4) S.I. 2004/2204, amended by S.I. 2008/1371, 2009/401.

- (9) Omit regulation 29(2).
- (10) In regulation 40(2)(d) (section 21(4) directions (call-in): supplementary) omit “(2)(a) or”.
- (11) Omit regulation 40(2)(d)(i).
- (12) In regulation 45(1)(f) (Secretary of State’s default power)—
  - (a) for “RPB (if any)” substitute “responsible regional authority”; and
  - (b) for “RSS” substitute “regional strategy”.
- (13) In regulation 45A(2) (provision supplementary to regulation 45) for “RPB” substitute “responsible regional authority”.

#### **Amendment to the Town and Country Planning (Isles of Scilly) Order 2005**

5. Article 4(2) (exceptions, adaptations and modifications) of the Town and Country Planning (Isles of Scilly) Order 2005(5) is omitted.

#### **Amendments to the Town and Country Planning (Mayor of London) Order 2008**

6.—(1) The Town and Country Planning (Mayor of London) Order 2008(6) is amended as follows.

(2) In article 6(2)(e) (Mayor’s power to direct refusal of a PSI application) for “regional spatial strategy” substitute “regional strategy”.

(3) For article 6(11) substitute—

“(11) For the purposes of paragraph (2), “regional strategy” has the same meaning as in section 70 of the Local Democracy, Economic Development and Construction Act 2009 (regional strategy).”.

#### **Amendments to the Local Government (Structural Changes) (Transitional Arrangements) (No. 2) Regulations 2008**

7.—(1) The Local Government (Structural Changes) (Transitional Arrangements) (No. 2) Regulations 2008(7) are amended as follows.

(2) In regulation 20 (modifications relevant to regional functions)—

(a) in paragraph (1) for “Part 1 of the 2004 Act (regional functions)” substitute “Part 5 of the Local Democracy, Economic Development and Construction Act 2009 (regional strategy)”;

(b) in paragraph (1)(a) for “section 4(4) (assistance from certain local authorities)” substitute “section 71(3) (Leaders’ Boards)”;

(c) in paragraph (1)(b) for “section 4(4)” substitute “section 71(3)”.

#### **Amendments to the Infrastructure Planning (National Policy Statement Consultation) Regulations 2009**

8.—(1) The Infrastructure Planning (National Policy Statement Consultation) Regulations 2009(8) are amended as follows.

(2) In regulation 2 (interpretation)—

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(5) [S.I. 2005/2085](#).

(6) [S.I. 2008/580](#).

(7) [S.I. 2008/2867](#), to which there is an amendment not relevant to this Order.

(8) [S.I. 2009/1302](#).

- (a) omit the definition of “regional planning body”; and
  - (b) after the definition of “relevant Northern Ireland department” insert—
    - ““responsible regional authority” has the same meaning as in section 72 of the Local Democracy, Economic Development and Construction Act 2009 (responsible regional authorities);”.
- (3) In regulation 3(3)(d) (consultation) for “Regional planning bodies” substitute “responsible regional authorities”.

### **Amendments to the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009**

**9.**—(1) The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009<sup>(9)</sup> are amended as follows.

- (2) In regulation 2(1) (interpretation)—
  - (a) omit the definition of “Regional Planning Body”; and
  - (b) after the definition of “replacement land” insert—
    - ““responsible regional authority” has the same meaning as in section 72 of the Local Democracy, Economic Development and Construction Act 2009 (responsible regional authorities);”.
- (3) In Schedule 1 for “Regional Planning Body” substitute “responsible regional authority”.

### **Revocations**

- 10.** The following statutory instruments are revoked—
- (a) the Town and Country Planning (Regional Planning) (England) Regulations 2004<sup>(10)</sup>;
  - (b) the Town and Country Planning (Initial Regional Spatial Strategy) (England) Regulations 2004<sup>(11)</sup>;
  - (c) the Town and Country Planning (Regions) (National Parks) (England) Order 2004<sup>(12)</sup>;
  - (d) the Town and Country Planning (Regional Planning Guidance as Revision of Regional Spatial Strategy) Order 2004<sup>(13)</sup>; and
  - (e) the Town and Country Planning (Regions) (New Forest National Park) (England) Order 2007<sup>(14)</sup>.

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<sup>(9)</sup> S.I. 2009/2264.  
<sup>(10)</sup> S.I. 2004/2203.  
<sup>(11)</sup> S.I. 2004/2206.  
<sup>(12)</sup> S.I. 2004/2207.  
<sup>(13)</sup> S.I. 2004/2208.  
<sup>(14)</sup> S.I. 2007/3276

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

1st March 2010

*Rosie Winterton*  
Minister of State  
Department for Communities and Local  
Government

**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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## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order makes consequential amendments in connection with the commencement of Part 5 of the Local Democracy, Economic Development and Construction Act 2009 (c. 20) (regional strategy). No impact assessment has been produced for this Order as no impact on the private or voluntary sectors is foreseen.