

SCHEDULE 2

Regulation 31

[^{F1}The relevant authority's] default power

Textual Amendments

- F1** Words in Sch. 2 heading substituted (1.10.2016) by [The Town and Country Planning \(Local Planning\) \(England\) \(Amendment\) Regulations 2016 \(S.I. 2016/871\)](#), regs. 1(2), **10(2)**

[^{F2}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;
^{F3} ...
- (c) a combined authority prepares a local plan under paragraph 5 of Schedule A1 to the Act^{F4}...[^{F5}; or]
- [^{F6}(d) an upper-tier county council prepares a local plan under paragraph 7B 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) [^{F7}, (c) or (d)].]

Textual Amendments

- F2** Sch. 2 para. 1 substituted (1.10.2016) by [The Town and Country Planning \(Local Planning\) \(England\) \(Amendment\) Regulations 2016 \(S.I. 2016/871\)](#), regs. 1(2), **10(3)**
- F3** Word in Sch. 2 para. 1(1)(b) omitted (15.1.2018) by virtue of [The Town and Country Planning \(Local Planning\) \(England\) \(Amendment\) Regulations 2017 \(S.I. 2017/1244\)](#), regs. 1(2), **11(a)**
- F4** Sch. 2 para. 1(1)(c): full stop omitted (15.1.2018) by virtue of [The Town and Country Planning \(Local Planning\) \(England\) \(Amendment\) Regulations 2017 \(S.I. 2017/1244\)](#), regs. 1(2), **11(b)**
- F5** Word in Sch. 2 para. 1(1)(c) inserted (15.1.2018) by [The Town and Country Planning \(Local Planning\) \(England\) \(Amendment\) Regulations 2017 \(S.I. 2017/1244\)](#), regs. 1(2), **11(b)**
- F6** Sch. 2 para. 1(1)(d) inserted (15.1.2018) by [The Town and Country Planning \(Local Planning\) \(England\) \(Amendment\) Regulations 2017 \(S.I. 2017/1244\)](#), regs. 1(2), **11(c)**
- F7** Words in Sch. 2 para. 1(2) substituted (24.12.2020) by [The Town and Country Planning \(Local Planning, Development Management Procedure, Listed Buildings etc.\) \(England\) \(Coronavirus\) \(Amendment\) Regulations 2020 \(S.I. 2020/1398\)](#), regs. 1(2), **3(3)**

2.—(1) The [^{F8}relevant authority] must comply with section 19(2) of the Act as if—

- (a) the duty imposed on the local planning authority were imposed on the [^{F8}relevant authority];
- (b) references in section 19(2)(b) to (h) to the local planning authority (in whatever terms) were references to the local planning authority in question; and
- (c) section 19(2)(j) referred to the matters prescribed under regulation 10, treating the references to the local planning authority (in whatever terms) in regulation 10 as references to the local planning authority in question.

(2) The [^{F9}relevant authority] must comply, to the extent (if any) that the [^{F9}relevant authority] considers appropriate, with section 19(3) of the Act as if the reference to the local planning authority (in whatever terms) were a reference to the [^{F9}relevant authority] and the reference to their statement

of community involvement were a reference to the statement of community involvement of the local planning authority in question.

(3) The [F¹⁰relevant authority] must comply with section 19(5) of the Act as if the reference to the local planning authority (in whatever terms) were a reference to the [F¹⁰relevant authority] and as if the reference to each document were a reference to the local plan.

(4) [F¹¹Where the Secretary of State prepares a local plan under section 27 of the Act] if the local planning authority in question is a London borough council, the Secretary of State must request the opinion of the Mayor of London as to the general conformity of the local plan with the London spatial development strategy.

(5) Before holding an independent examination of the local plan under [F¹²section 27(2) of, or paragraphs 2(2) or 6(2) of Schedule A1 to, the Act as the case may be], the [F¹³relevant authority] must—

- (a) notify each of the bodies or persons specified in sub-paragraph (6) of the subject of the local plan which the [F¹³relevant authority] proposes to prepare;
- (b) invite each of them to make representations to the [F¹³relevant authority] about what the local plan with that subject ought to contain;
- (c) take into account any representation made to the [F¹³relevant authority] in response to those invitations;
- (d) make a copy of each of the proposal documents and a statement of the representations procedure available during normal office hours, at such places as the [F¹³relevant authority] considers appropriate, and
- (e) ensure that a statement of the representations procedure and a statement of the fact that the proposed submission documents are available for inspection and of the places and times at which they can be inspected, is sent to each of the bodies or persons which are invited to make representations under paragraph (b).

(6) The bodies or persons referred to in sub-paragraph (5)(a) are—

- (a) such of the specific consultation bodies (in relation to the area of the local planning authority in question) as the [F¹⁴relevant authority] considers may have an interest in the subject of the proposed local plan;
- (b) such of the general consultation bodies (in relation to the area of the local planning authority in question) as the [F¹⁴relevant authority] considers appropriate; and
- (c) such residents or other persons carrying on business in the area of the local planning authority in question from which the [F¹⁴relevant authority] considers it appropriate to invite representations.

(7) Where the [F¹⁵relevant authority] makes available a local plan for the making of representations prior to the holding of an independent examination under [F¹⁶section 27(2) of, or paragraphs 2(2) or 6(2) of Schedule A1 to, the Act as the case may be], any person may make representations in relation to the local plan but any such representation must be received by the [F¹⁵relevant authority] by the date specified in the statement of the representations procedure.

(8) Where the [F¹⁷relevant authority] holds an independent examination under [F¹⁸section 27(2) of, or paragraphs 2(2) or 6(2) of Schedule A1 to, the Act as the case may be], at least 6 weeks before the opening of a hearing the [F¹⁷relevant authority] must—

- (a) make the matters mentioned in sub-paragraph (9) available in accordance with regulation 35; and

- (b) notify any body or person who has made a representation in accordance with sub-paragraph (5) and not withdrawn that representation, of those matters.
- (9) The matters referred to in sub-paragraph (8) are—
 - (a) the date, time and place at which the hearing is to be held, and
 - (b) the name of the person appointed to carry out the independent examination.
- (10) For the purposes of this paragraph—
 - “proposal documents” means the following documents—
 - (a) the local plan for which the [F19relevant authority] proposes to hold an independent examination;
 - (b) if the approval of the local plan would result in changes to the adopted policies map, a map showing how the adopted policies map of the local planning authority would be amended by the local plan, if it were approved;
 - (c) the sustainability appraisal report of the local plan prepared in accordance with section 19(5) of the Act (as modified by sub-paragraph (3));
 - (d) a statement setting out—
 - (i) which bodies and persons were invited to make representations under sub-paragraph (5)(b);
 - (ii) how those bodies and persons were invited to make such representations;
 - (iii) a summary of the main issues raised by those representations; and
 - (iv) how those main issues have been addressed in the local plan; and
 - (e) such supporting documents as in the opinion of the [F19relevant authority] are relevant to the preparation of the local plan;
 - “statement of the representations procedure” means a statement specifying—
 - (a) the title of the local plan for which the [F19relevant authority] proposes to hold an independent examination;
 - (b) the subject matter of, and the area covered by, the local plan;
 - (c) the date by which representations about the local plan must be received, by the [F19relevant authority], which must be not less than 6 weeks from the day on which the statement is published;
 - (d) the address to which representations about that document must be made;
 - (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) the publication of the recommendations of the person appointed to carry out an independent examination of the local plan, and
 - (ii) the adoption of the local plan.

Textual Amendments

- F8** Words in Sch. 2 para. 2(1) substituted (1.10.2016) by [The Town and Country Planning \(Local Planning\) \(England\) \(Amendment\) Regulations 2016 \(S.I. 2016/871\)](#), regs. 1(2), **10(4)(a)**
- F9** Words in Sch. 2 para. 2(2) substituted (1.10.2016) by [The Town and Country Planning \(Local Planning\) \(England\) \(Amendment\) Regulations 2016 \(S.I. 2016/871\)](#), regs. 1(2), **10(4)(a)**

Changes to legislation: There are currently no known outstanding effects for the The Town and Country Planning (Local Planning) (England) Regulations 2012, SCHEDULE 2. (See end of Document for details)

- F10** Words in Sch. 2 para. 2(3) substituted (1.10.2016) by The Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2016 (S.I. 2016/871), regs. 1(2), **10(4)(a)**
- F11** Words in Sch. 2 para. 2(4) inserted (1.10.2016) by The Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2016 (S.I. 2016/871), regs. 1(2), **10(4)(b)**
- F12** Words in Sch. 2 para. 2(5) substituted (1.10.2016) by The Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2016 (S.I. 2016/871), regs. 1(2), **10(4)(c)**
- F13** Words in Sch. 2 para. 2(5) substituted (1.10.2016) by The Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2016 (S.I. 2016/871), regs. 1(2), **10(4)(a)**
- F14** Words in Sch. 2 para. 2(6) substituted (1.10.2016) by The Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2016 (S.I. 2016/871), regs. 1(2), **10(4)(a)**
- F15** Words in Sch. 2 para. 2(7) substituted (1.10.2016) by The Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2016 (S.I. 2016/871), regs. 1(2), **10(4)(a)**
- F16** Words in Sch. 2 para. 2(7) substituted (1.10.2016) by The Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2016 (S.I. 2016/871), regs. 1(2), **10(4)(c)**
- F17** Words in Sch. 2 para. 2(8) substituted (1.10.2016) by The Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2016 (S.I. 2016/871), regs. 1(2), **10(4)(a)**
- F18** Words in Sch. 2 para. 2(8) substituted (1.10.2016) by The Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2016 (S.I. 2016/871), regs. 1(2), **10(4)(c)**
- F19** Words in Sch. 2 para. 2(10) substituted (1.10.2016) by The Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2016 (S.I. 2016/871), regs. 1(2), **10(4)(a)**

Changes to legislation:

There are currently no known outstanding effects for the The Town and Country Planning (Local Planning) (England) Regulations 2012, SCHEDULE 2.