

SCHEDULE 1

Regulation 30

Call-in by the Secretary of State

1. This Schedule applies where the Secretary of State gives a direction under section 21(4) of the Act.

General

2. The local planning authority must make a copy of the direction given under section 21(4) of the Act available in accordance with regulation 35.

Procedure for pre-submission local plans

3.—(1) If the direction under section 21(4) of the Act is given before the local planning authority submit the local plan to the Secretary of State under section 20 of the Act, the local planning authority must—

- (a) unless they have already complied with section 19(5) of the Act, do so;
- (b) where they are a London borough council, unless they have made a request under section 24(4)(a) of the Act, make such a request;
- (c) before complying with paragraph (d)—
 - (i) make a copy of each of the proposed submission documents and a statement of the representations procedure available in accordance with regulation 35;
 - (ii) 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 general consultation bodies and each of the specific consultation bodies which were invited to make representations under regulation 18(1) or this paragraph (as the case may be);
- (d) as soon as reasonably practicable after the period specified pursuant to sub-paragraph (2) has expired send to the Secretary of State—
 - (i) the sustainability appraisal report for the local plan;
 - (ii) a statement of the description referred to in regulation 22(1)(c);
 - (iii) copies of any representations made in accordance with sub-paragraph (2); and
 - (iv) such supporting documents as in the opinion of the local planning authority are relevant to the preparation of the local plan; and
- (e) as soon as reasonably practicable after the period specified pursuant to sub-paragraph (2) has expired—
 - (i) if the adoption or approval of any part of the local plan would result in changes to the adopted policies map, send a map showing those changes to the Secretary of State;
 - (ii) make available in accordance with regulation 35 a copy of the local plan and each of the documents referred to in paragraph (d); and
 - (iii) send to each of the general consultation bodies and each of the specific consultation bodies which were invited to make representations under regulation 18(1), notification that those documents are available for inspection and of the places and times at which they can be inspected.

(2) Any person may make representations to the local planning authority about a local plan made available pursuant to paragraph 3(1)(c) but they must be received by the local planning authority

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by the date specified in the statement of the representations procedure made available under that paragraph.

(3) Nothing in paragraph 3(1)(c), (d) or (e) requires a local planning authority to take any steps if they have taken an equivalent step under regulation 19, 20 or 22 before receipt of the direction under section 21(4) of the Act.

(4) The following modifications to regulation 17 apply for the purposes of this paragraph—

- (a) the definition of “proposed submission documents” and the definition of “statement of the representations procedure” is each to be treated as if “which the local planning authority propose to submit to the Secretary of State” were omitted;
- (b) paragraph (b) of the definition of “proposed submission documents” is to be treated as if for “if the adoption of the local plan” there were substituted “if the adoption or approval of any part of the local plan”;
- (c) paragraph (f) of the definition of “statement of the representations procedure” is to be treated as if—
 - (i) sub-paragraph (i) were omitted; and
 - (ii) for the reference to the adoption of the local plan in sub-paragraph (iii) there were a reference to the Secretary of State’s decision under section 21(9)(a) of the Act.

Changes proposed by the Secretary of State to a local plan

4.—(1) Where the Secretary of State proposes to make a decision under section 21(9)(a) of the Act which proposes changes to the local plan which depart from the recommendations of the person appointed to carry out an independent examination under section 20 of the Act, the Secretary of State must notify the local planning authority of that fact and provide a document containing the proposed changes and the reasons for them.

(2) As soon as reasonably practicable after receipt of notice under sub-paragraph (1) the local planning authority must—

- (a) make copies of the proposed changes, the reasons and a statement of the matters in sub-paragraph (3) available in accordance with regulation 35;
- (b) send copies of the proposed changes and the reasons to the bodies in sub-paragraph (4) and notify these bodies of the matters in sub-paragraph (3); and
- (c) make available in accordance with regulation 35 details of where the proposed changes and the reasons are available for inspection and the places and times at which they can be inspected.

(3) The matters referred to in sub-paragraph (2) are—

- (a) the date by which representations on the proposed changes must be made (being not less than 6 weeks from the date on which the local planning authority complies with sub-paragraph (2));
- (b) the address to which representations must be sent; and
- (c) a statement that any representations made may be accompanied by a request to be notified of the Secretary of State’s decision under section 21(9)(a) of the Act.

(4) The bodies referred to in sub-paragraph (2)(b) are—

- (a) each of the specific consultation bodies to the extent that the Secretary of State thinks the proposed changes affect the body; and
- (b) such of the general consultation bodies as the Secretary of State considers appropriate.

Representations on proposed changes

5.—(1) Any person may make representations on the proposed changes made available pursuant to paragraph 4(2) of this Schedule.

(2) Any such representations must be received at the address, and by the date, specified pursuant to paragraph 4(3) of this Schedule.

(3) Before the Secretary of State approves, approves with specified modifications or rejects a local plan or part of it under section 21(9)(a) of the Act, the Secretary of State must consider any representations made in accordance with this paragraph.

Publication of the recommendations of the person appointed to carry out the independent examination

6. As soon as reasonably practicable after the Secretary of State publishes the recommendations of the independent examiner in accordance with section 21(6) of the Act, the local planning authority must—

- (a) make the recommendations and reasons of the person appointed to carry out the independent examination available in accordance with regulation 35; and
- (b) give notice to those persons who requested to be notified of the publication of those recommendations that they have been published.

Secretary of State's decision

7. As soon as reasonably practicable after the Secretary of State approves, approves subject to specified modifications or rejects a local plan or part of it in accordance with section 21(9)(a) of the Act, the local planning authority must—

- (a) make available in accordance with regulation 35—
 - (i) the local plan and the reasons given by the Secretary of State pursuant to section 21(9)(b) of the Act,
 - (ii) a copy of the decision statement,
 - (iii) a statement of the fact that the local plan and a copy of the Secretary of State's reasons are available for inspection and the places where and times when the document and reasons can be inspected, and
- (b) send a copy of the decision statement to any person who has asked to be notified of the Secretary of State's decision under section 21(9)(a) of the Act.

Removal of documents after rejection of a local plan

8.—(1) This paragraph applies where—

- (a) the Secretary of State rejects a local plan under section 21(9)(a) of the Act; or
- (b) the Secretary of State rejects part of a local plan under section 21(9)(a) of the Act and the local planning authority decide not to proceed with the remainder.

(2) The local planning authority must, as soon as reasonably practicable after the end of the period specified in sub-paragraph (3), cease to make available any documents relating to the local plan.

(3) The period mentioned in sub-paragraph (2) is—

- (a) in the circumstances mentioned in sub-paragraph (1)(a), 3 months from the date of the Secretary of State's rejection of the local plan; or
- (b) in the circumstances mentioned in sub-paragraph (1)(b), 3 months from the date of the local planning authority's decision.

SCHEDULE 2

Regulation 31

Secretary of State's default power

1. This Schedule applies where the Secretary of State prepares a local plan under section 27 of the Act.

2.—(1) The Secretary of State must comply with section 19(2) of the Act as if—

- (a) the duty imposed on the local planning authority were imposed on the Secretary of State;
- (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 Secretary of State must comply, to the extent (if any) that the Secretary of State 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 Secretary of State 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 Secretary of State 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 Secretary of State and as if the reference to each document were a reference to the local plan.

(4) 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 section 27(2) of the Act, the Secretary of State must—

- (a) notify each of the bodies or persons specified in sub-paragraph (6) of the subject of the local plan which the Secretary of State proposes to prepare;
- (b) invite each of them to make representations to the Secretary of State about what the local plan with that subject ought to contain;
- (c) take into account any representation made to the Secretary of State 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 Secretary of State 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 Secretary of State 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 Secretary of State 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 Secretary of State considers it appropriate to invite representations.

(7) Where the Secretary of State makes available a local plan for the making of representations prior to the holding of an independent examination under section 27(2) of the Act, any person may make representations in relation to the local plan but any such representation must be received by the Secretary of State by the date specified in the statement of the representations procedure.

(8) Where the Secretary of State holds an independent examination under section 27(2) of the Act, at least 6 weeks before the opening of a hearing the Secretary of State 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 Secretary of State 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 Secretary of State 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 Secretary of State 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 Secretary of State, 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—

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- (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.