
STATUTORY INSTRUMENTS

2016 No. 871

**The Town and Country Planning (Local Planning)
(England) (Amendment) Regulations 2016**

Schedule 1

- 9.—(1) Schedule 1 is amended as follows.
- (2) In paragraph 1, after “section 21(4) of” insert “, or paragraph 8(5) of Schedule A1 to,”.
- (3) For the heading to paragraph 2 substitute—

“Making available a direction given under section 21(4)”

- (4) After paragraph 2 insert—

“Provision of a copy of a direction to the local planning authority concerned

2A. Where the Secretary of State gives a direction under paragraph 8(5) of Schedule A1 to the Act, the Mayor of London or combined authority (as the case may be) must provide a copy of the direction to the local planning authority concerned and that authority must make a copy of the direction available in accordance with regulation 35.”.

- (5) For the heading to paragraph 3 substitute—

“Procedure for pre-submission local plans: direction under paragraph section 21(4)”

- (6) After paragraph 3 insert—

“Procedure for pre-submission local plans: direction under paragraph 8(5) of Schedule A1

3A.—(1) If the direction under paragraph 8(5) of Schedule A1 to the Act is given before the Mayor of London under paragraph 2(2), or the combined authority under paragraph 6(2), of Schedule A1 to the Act has held an independent examination, the Mayor of London or the combined authority (as the case may be) must—

- (a) unless they have already carried out an appraisal of the sustainability of the proposals in each development plan document, do so;
- (b) before complying with paragraph (c)—
- (i) provide a copy of each of the proposal documents and a statement of the representations procedure (both as defined in paragraph 2(10) of Schedule 2) to the local planning authority concerned who must make the documents and statement available in accordance with regulation 35;
- (ii) provide a statement of the representations procedure and a statement of the fact that the proposal documents are available for inspection and of the places and times at which they can be inspected to the local planning authority concerned who must send both statements to each of the general consultation

bodies and each of the specific consultation bodies which were invited to make representations under paragraph 2(5)(b) of Schedule 2;

- (c) 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) the statement of the representations procedure;
 - (iii) copies of any representations made in accordance with sub-paragraph (2); and
 - (iv) such supporting documents as in the opinion of the Mayor of London or the combined authority (as the case may be) are relevant to the preparation of the local plan; and
- (d) 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) provide a copy of the local plan and each of the documents referred to in paragraph (c) to the local planning authority concerned who must make the local plan and documents available in accordance with regulation 35; and
 - (iii) provide notification that those documents are available for inspection and of the places at times at which they can be inspected to the local planning authority concerned who must send the notification to each of the general consultation bodies and each of the specific consultation bodies which were invited to make representations under paragraph 2(5)(b) of Schedule 2.

(2) Any person may make representations to the Mayor of London or the combined authority (as the case may be) about a local plan made available pursuant to sub-paragraph (1) (b) but they must be received by the Mayor of London or the combined authority (as the case may be) before the end of the period specified in the statement of the representations procedure made available under that sub-paragraph.”.

(7) In paragraphs 4(3), 5, 7 and 8, after “section 21(9)(a) of”, wherever it appears, insert “, or paragraph 8(6) of Schedule A1 to,”.

(8) In paragraph 4—

(a) after sub-paragraph (1) insert—

“(1A) Where the Secretary of State proposes to make a decision under paragraph 8(6) of Schedule A1 to 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 paragraph 2(2) or paragraph 6(2) of Schedule A1 to the Act, the Secretary of State must notify the Mayor of London or the combined authority (as the case may be) of that fact and provide a document containing the proposed changes and the reasons for them.

(1B) Where the Mayor of London or a combined authority receives notice under sub-paragraph (1A), the Mayor of London or the combined authority (as the case may be) must provide the notice and document referred to under sub-paragraph (1A) to the local planning authority concerned.”

(b) in sub-paragraph (2), after “under sub-paragraph (1)” insert “or (1B)”.

(9) In paragraph 6—

(a) after “section 21(6) of” insert “, or paragraph 9(6) of Schedule A1 to,”;

- (b) after “local planning authority” insert “, and the Mayor of London or combined authority (as the case may be) where the independent examination is held under paragraph 2(2) or 6(2) of Schedule A1 to the Act,”.
- (10) In paragraph 7—
- (a) after “local planning authority” insert “, and the Mayor of London or combined authority (as the case may be) where the decision in this paragraph is made under paragraph 8(6) of Schedule A1 to the Act,”;
 - (b) after “section 21(9)(b) of” insert “, or paragraph 8(6) of Schedule A1 to,”.