
STATUTORY INSTRUMENTS

2004 No. 2204

The Town and Country Planning (Local
Development) (England) Regulations 2004

PART 1

GENERAL

Citation, commencement and application

1.—(1) These Regulations may be cited as the Town and Country Planning (Local Development) (England) Regulations 2004 and shall come into force on 28th September 2004.

(2) These Regulations apply in relation to England only.

Interpretation

2.—(1) In these Regulations—

“the Act” means the Planning and Compulsory Purchase Act 2004;

“DPD” means development plan document;

“LDD” means local development document;

“SPD” means supplementary planning document;

“address” in relation to electronic communications means any number or address used for the purposes of such communications;

“adopted proposals map” means a document of the description referred to in regulation 6(6);

“by local advertisement” means by publication on at least one occasion in a local newspaper circulating in the whole of the area of the local planning authority;

“core strategy” means a document of the description referred to in regulation 6(3);

“disabled person” has the same meaning as in section 1(2) of the Disability Discrimination Act 1995(1);

“electronic communication” has the same meaning as in section 15(1) of the Electronic Communications Act 2000(2);

“electronic communications apparatus” has the same meaning as in paragraph 1(1) of the electronic communications code(3);

“electronic communications code” has the same meaning as in section 106(1) of the Communications Act 2003(4);

(1) 1995 c. 50.

(2) 2000 c. 7.

(3) The definition of “electronic communications apparatus” has been inserted into paragraph 1(1) of the electronic communications code by paragraph 2(2) of Schedule 3 to the Communications Act 2003 (c. 21).

(4) 2003 c. 21.

“general consultation bodies” means the following bodies—

- (a) voluntary bodies some or all of whose activities benefit any part of the authority’s area,
- (b) bodies which represent the interests of different racial, ethnic or national groups in the authority’s area,
- (c) bodies which represent the interests of different religious groups in the authority’s area,
- (d) bodies which represent the interests of disabled persons in the authority’s area,
- (e) bodies which represent the interests of persons carrying on business in the authority’s area;

“inspection” means inspection by the public;

“national waste strategy” means any statement which contains the Secretary of State’s policies in relation to the recovery and disposal of waste in England, and which is made under section 44A of the Environmental Protection Act 1990⁽⁵⁾, or pending the publication of the first such statement, any relevant waste disposal plan prepared under section 50 of that Act⁽⁶⁾;

“Ordnance Survey map” means a map produced by Ordnance Survey or a map on a similar base at a registered scale;

“person appointed” means a person appointed by the Secretary of State under section 20(4) to carry out an independent examination;

“regional planning body” is a body that meets the requirements of section 2;

“relevant authority” means—

- (a) a local planning authority,
- (b) a county council referred to in section 16(1),
- (c) a parish council;

“site allocation policy” means a policy which allocates a site for a particular use or development;

“specific consultation bodies”—

- (a) in relation to a local planning authority whose area is in a region other than London, means the regional planning body and the bodies specified or described in sub-paragraphs (i) to (x);
 - (i) the Countryside Agency⁽⁷⁾,
 - (ii) the Environment Agency⁽⁸⁾,
 - (iii) the Historic Buildings and Monuments Commission for England⁽⁹⁾,
 - (iv) English Nature⁽¹⁰⁾,
 - (v) the Strategic Rail Authority⁽¹¹⁾,
 - (vi) the Highways Agency,
 - (vii) a relevant authority any part of whose area is in or adjoins the area of the local planning authority,

⁽⁵⁾ 1990 c. 43.

⁽⁶⁾ See regulation 2 of S.I. 1999/3280.

⁽⁷⁾ See section 1(1) of the National Parks and Access to the Countryside Act 1949 (c. 97), as substituted by the Environmental Protection Act 1990 (c. 43), section 130 and Schedule 8, paragraph 1, and as amended by S.I. 1999/416.

⁽⁸⁾ See section 1(1) of the Environment Act 1995 (c. 25).

⁽⁹⁾ See section 32 of the National Heritage Act 1983 (c. 47).

⁽¹⁰⁾ See section 73(1) of the Countryside and Rights of Way Act 2000 (c. 37).

⁽¹¹⁾ See section 201 of the Transport Act 2000 (c. 38).

- (viii) a Regional Development Agency(12) whose area is in or adjoins the area of the local planning authority,
- (ix) any person—
 - (aa) to whom the electronic communications code applies by virtue of a direction given under section 106(3)(a) of the Communications Act 2003, and
 - (bb) who owns or controls electronic communications apparatus situated in any part of the area of the local planning authority,
- (x) if it exercises functions in any part of the local planning authority’s area
 - (aa) a Strategic Health Authority(13),
 - (bb) a person to whom a licence has been granted under section 6(1)(b) or (c) of the Electricity Act 1989(14),
 - (cc) a person to whom a licence has been granted under section 7(2) of the Gas Act 1986(15),
 - (dd) a sewerage undertaker,
 - (ee) a water undertaker;
- (b) if the authority are a London borough council, means the Mayor of London and the bodies specified or described in paragraph (a)(i) to (x);

“submission proposals map” means a document of the description referred to in regulation 6(5);

“sustainability appraisal report” means the report prepared pursuant to section 19(5)(b)(16); and

“supplementary planning document” means an LDD which is not a DPD, but does not include the local planning authority’s statement of community involvement.

(2) In these Regulations any reference to a section is a reference to a section of the Act unless otherwise stated.

Scope of Regulations

3.—(1) Subject to paragraph (2), these Regulations have effect in relation to—

- (a) the revision of an LDD as they apply to the preparation of an LDD;
- (b) a minerals and waste development scheme as they have effect in relation to a local development scheme and for that purpose—
 - (i) references to a local development scheme include references to a minerals and waste development scheme, and
 - (ii) references to a local planning authority include references to a county council within the meaning of section 16(1).

(2) Regulations 5, 12(3) and 47 have no effect in relation to minerals and waste development schemes.

(12) See section 1 of the Regional Development Agencies Act 1998 (c. 45).

(13) See section 1(1) of the National Health Service Reform and Health Care Professions Act 2002 (c. 17).

(14) 1989 (c. 29); section 6 was substituted by the Utilities Act 2000 (c. 27), section 30.

(15) 1986 (c. 44); section 7 was substituted by the Gas Act 1995 (c. 45), and section 7(2) was amended by the Utilities Act 2000 (c. 27), sections 3(2), 76(1) and (3), and Schedule 6, paragraphs 1 and 4.

(16) See section 18 of the Planning and Compulsory Purchase Act 2004 (c. 5). A sustainability appraisal report is not required in respect of the local planning authority’s statement of community involvement.

Electronic communications

4.—(1) Where within these Regulations—

(a) a person is required to—

(i) send a document, a copy of a document or any notice to another person,

(ii) notify another person of any matter; and

(b) that other person has an address for the purposes of electronic communications;

the document, copy, notice or notification may be sent or made by way of electronic communications.

(2) Where within these Regulations a person may make representations on any matter or document, those representations may be made—

(a) in writing, or

(b) by way of electronic communications.

(3) Where—

(a) an electronic communication is used as mentioned in paragraphs (1) and (2), and

(b) the communication is received by the recipient outside his office hours, it shall be taken to have been received on the next working day, and in this regulation “working day” means a day which is not a Saturday, Sunday, Bank Holiday or other public holiday.