
STATUTORY INSTRUMENTS

2004 No. 2204

TOWN AND COUNTRY PLANNING, ENGLAND

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

<i>Made</i>	- - - -	<i>26th August 2004</i>
<i>Laid before Parliament</i>		<i>7th September 2004</i>
<i>Coming into force</i>	- -	<i>28th September 2004</i>

The First Secretary of State, in exercise of the powers conferred upon him by sections 13(2)(f), 14(3) and (5), 15(2)(g), (3) and (7), 17(1)(a) and (7), 19(2)(j), 20(3), 24(3), 28(9) and (11), 31(6) and (7), 35(2) and (3) and 36 of the Planning and Compulsory Purchase Act 2004⁽¹⁾ and paragraph 4(2) of Schedule 4A to the Town and Country Planning Act 1990⁽²⁾ and of all other powers enabling him in that behalf, hereby makes the following Regulations:

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;

(1) 2004 c. 5. As to powers to prescribe, see section 122(1).

(2) 1990 c. 8. Schedule 4A was inserted by Schedule 1 to the Planning and Compulsory Purchase Act 2004.

“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⁽³⁾;

“electronic communication” has the same meaning as in section 15(1) of the Electronic Communications Act 2000⁽⁴⁾;

“electronic communications apparatus” has the same meaning as in paragraph 1(1) of the electronic communications code⁽⁵⁾;

“electronic communications code” has the same meaning as in section 106(1) of the Communications Act 2003⁽⁶⁾;

“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⁽⁷⁾, or pending the publication of the first such statement, any relevant waste disposal plan prepared under section 50 of that Act⁽⁸⁾;

“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;

(3) 1995 c. 50.

(4) 2000 c. 7.

(5) 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).

(6) 2003 c. 21.

(7) 1990 c. 43.

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

“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⁽⁹⁾,
 - (ii) the Environment Agency⁽¹⁰⁾,
 - (iii) the Historic Buildings and Monuments Commission for England⁽¹¹⁾,
 - (iv) English Nature⁽¹²⁾,
 - (v) the Strategic Rail Authority⁽¹³⁾,
 - (vi) the Highways Agency,
 - (vii) a relevant authority any part of whose area is in or adjoins the area of the local planning authority,
 - (viii) a Regional Development Agency⁽¹⁴⁾ 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⁽¹⁵⁾,
 - (bb) a person to whom a licence has been granted under section 6(1)(b) or (c) of the Electricity Act 1989⁽¹⁶⁾,
 - (cc) a person to whom a licence has been granted under section 7(2) of the Gas Act 1986⁽¹⁷⁾,
 - (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)⁽¹⁸⁾; 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.

(9) 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.

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

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

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

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

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

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

(16) 1989 (c. 29); section 6 was substituted by the Utilities Act 2000 (c. 27), section 30.

(17) 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.

(18) 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.

(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.

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.

PART 2

SURVEY OF AREA

Survey of area: county councils

5.—(1) Each county council shall keep under review, in relation to that part of their area for which there is a district council, the following matters—

- (a) the principal physical, economic, social and environmental characteristics of the authority;
- (b) the size, composition and distribution of the population of the area;
- (c) the communications, transport system and traffic of the area;
- (d) any other considerations which may be expected to affect those matters.

- (2) The persons prescribed for the purposes of section 14(5) are—
 - (a) any local planning authority any part of whose area lies within the area of the county council; and
 - (b) if the regional planning body within whose area the area of the county council lies requests a copy of the results of the review under section 14(3), that body.

PART 3

LOCAL DEVELOPMENT SCHEMES AND DOCUMENTS WHICH MUST BE DEVELOPMENT PLAN DOCUMENTS

Documents to be specified in local development schemes as local development documents

6.—(1) The descriptions of document prescribed for the purposes of section 17(1)(a) which must be specified as LDDs in a local development scheme are—

- (a) any document containing statements of—
 - (i) the development and use of land which the local planning authority wish to encourage during any specified period;
 - (ii) objectives relating to design and access which the local planning authority wish to encourage during any specified period;
 - (iii) any environmental, social and economic objectives which are relevant to the attainment of the development and use of land mentioned in paragraph (i);
 - (iv) the authority's general policies in respect of the matters referred to in paragraphs (i) to (iii); and
- (b) where a document of the description mentioned in paragraph (a) contains policies applying to sites or areas by reference to an Ordnance Survey map, an LDD which accompanies a DPD and shows how the adopted proposals map is to be amended as a result of the submission of that DPD to the Secretary of State under regulation 28.

(2) The descriptions of other documents prescribed for the purposes of section 17(1)(a) which, if prepared, must be specified as LDDs in a local development scheme are—

- (a) any document which—
 - (i) relates to part of the area of the local planning authority;
 - (ii) identifies that area as an area of significant change or special conservation; and
 - (iii) contains the authority's policies relevant to areas of significant change or special conservation; and
- (b) any other document which includes a site allocation policy.

(3) A document of the description in paragraph (1)(a) is referred to in the following provisions of these Regulations as a core strategy.

(4) A document of the description in paragraph (2)(a) is referred to in the following provisions of these Regulations as an area action plan.

(5) A document of the description in paragraph (1)(b) is referred to in the following provisions of these Regulations as a submission proposals map.

(6) In paragraph (1)(b) “the adopted proposals map” means a document which—

- (a) when first adopted shows the matters specified in regulation 14(4),
- (b) is revised in the manner specified in regulation 9, and

- (c) consists of text and maps, of which the text prevails if the map and text conflict.

Documents which must be development plan documents

7. Documents which must be DPDs are—
 - (a) core strategies,
 - (b) area action plans, and
 - (c) any other document which includes a site allocation policy.

Additional matters to be specified in local development schemes and revisions of such schemes

8. The matters (in addition to those mentioned in section 15(2)) to be specified in a local development scheme or any revision of such a scheme are—
 - (a) in relation to each document to be specified in the scheme or revision as an LDD—
 - (i) its proposed title,
 - (ii) its proposed subject matter, and
 - (iii) the area proposed to be covered by the document;
 - (b) in relation to each document to be specified in the scheme or revision as an SPD, the month and year in which the local planning authority or county council (as the case may be) intends to—
 - (i) comply with regulation 17,
 - (ii) adopt the document;
 - (c) in relation to each document to be specified in the scheme or revision as a DPD and the local planning authority's statement of community involvement, the date on which the local planning authority intends to comply with—
 - (i) regulation 26,
 - (ii) section 20(1); and
 - (d) in relation to proposals to which any of paragraphs 4, 5, 9 and 10 of Schedule 8 to the Act applies—
 - (i) the timetable for the preparation of the proposals, including the month and year in which the local planning authority intends to adopt the proposals, and
 - (ii) where the proposals are for the alteration of a plan, the area and subject matter of the proposals.

Other requirements for the preparation of local development schemes

9. When a local development scheme is prepared it must specify that the adopted proposals map will be revised—
 - (a) at the same time as any DPD is adopted,
 - (b) so as to illustrate geographically the application of the policies in the DPD or revision.

Submission of local development schemes to the Secretary of State

- 10.—(1) The time prescribed for the purposes of section 15(3)(b) is 6 months after the commencement of Part 2 of the Act.
- (2) A local development scheme shall be submitted to the Secretary of State by—

- (a) sending it to him electronically; and
- (b) sending to him 4 copies of the scheme in paper form.

Bringing local development schemes and revisions of such schemes into effect

11.—(1) For the purpose of bringing a local development scheme or any revision of such a scheme into effect—

- (a) the requirements of one of paragraphs (2) to (5) shall be met; and
- (b) the local planning authority shall—
 - (i) resolve that the scheme shall have effect; and
 - (ii) shall specify in that resolution the date from which the scheme shall have effect.

(2) The requirement of this paragraph is that, before the end of the relevant period, the local planning authority has received from the Secretary of State notice that he does not intend to give them a direction under section 15(4).

(3) The requirements of this paragraph are that the relevant period has ended and the local planning authority have not received any of the following—

- (a) notice that the Secretary of State does not intend to give them a direction under section 15(4),
- (b) a direction under section 15(4), or
- (c) notice that the Secretary of State requires more time to consider the scheme.

(4) The requirements of this paragraph are that the local planning authority have received a direction under section 15(4) and have either—

- (a) complied with the direction, or
- (b) received notice that it has been withdrawn.

(5) The requirements of this paragraph are that the local planning authority have received notice that the Secretary of State requires more time to consider the scheme, and either—

- (a) they have subsequently received notice that the Secretary of State does not intend to give them a direction under section 15(4), or
- (b) the requirements of paragraph (4) are satisfied.

(6) In this regulation “relevant period” means the period of 4 weeks starting on the day on which the authority submit the scheme to the Secretary of State under section 15(3)(b).

Availability of a local development scheme

12.—(1) Where a local development scheme takes effect in accordance with regulation 11, a local planning authority must—

- (a) make a copy of the scheme available for inspection at their principal office during normal office hours, and
- (b) publish the scheme on their website.

(2) Where a revision to a local development scheme takes effect under regulation 11, within 2 weeks a local planning authority must incorporate the revision into the scheme made available for inspection and published under paragraph (1).

(3) Where paragraph (1) or (2) applies to a minerals and waste development scheme, within 2 weeks the county council must send a copy of—

- (a) the scheme, or

(b) the scheme incorporating the revision,
to any local planning authority any part of whose area is within so much of the area of the county council as is mentioned in section 16(1).

PART 4

FORM AND CONTENT OF LOCAL DEVELOPMENT DOCUMENTS AND REGARD TO BE HAD TO CERTAIN MATTERS

Form and content of local development documents: general

13.—(1) Subject to paragraph (9), an LDD must contain a reasoned justification of the policies contained in it.

(2) Subject to paragraph (9), those parts of an LDD which comprise the policies of the LDD and those parts which comprise the reasoned justification required by paragraph (1) must be clearly identified.

(3) An LDD must contain—

(a) a title which must—

- (i) name the local planning authority by which the LDD is prepared, and
- (ii) indicate whether the document is a DPD or a SPD; and

(b) a sub-title which must indicate—

- (i) the subject matter of the document, and
- (ii) the date on which the document is adopted.

(4) Subject to paragraph (9), and only if it includes a site allocation policy, a DPD must include a submission proposals map showing the changes which will result to the adopted proposals map if the DPD is adopted.

(5) Where a DPD contains a policy that is intended to supersede another policy, it must state that fact and identify the superceded policy.

(6) Subject to paragraphs (7), (9) and (10), the policies contained in a DPD must be in conformity with either—

- (a) where a core strategy has been adopted, the policies in the core strategy, or
- (b) in any other case, the policies in the development plan as referred to in paragraph 1(1)(b) of Schedule 8 to the Act.

(7) Paragraph (6) does not apply in a case falling within paragraph (b) of that paragraph where the policies in the DPD are intended to supersede an old policy as defined in paragraph 1(4) of Schedule 8 to the Act.

(8) The policies in an SPD must be in conformity with—

- (a) the policies in the core strategy,
- (b) the policies in any other DPD, or
- (c) if neither paragraph (a) nor (b) applies, an old policy.

(9) Paragraphs (1), (2), (4) and (6) do not apply to the submission proposals map or the adopted proposals map.

(10) Paragraph (6) does not apply to the core strategy.

Form and content of local development documents: specific

14.—(1) The adopted proposals map must be comprised of or contain a map of the local planning authority's area which must—

- (a) be reproduced from, or based on, an Ordnance Survey map;
 - (b) show National Grid lines and reference numbers; and
 - (c) include an explanation of any symbol or notation which it uses.
- (2) The adopted proposals map may contain a map, called an inset map, which must—
- (a) comply with the requirements in paragraph 1(a) to (c);
 - (b) be drawn to a larger scale than the map referred to in paragraph (1); and
 - (c) show the application of the local planning authority's policies to part of the authority's area.
- (3) Where the adopted proposals map includes an inset map—
- (a) the area covered by the inset map must be identified on the map referred to in paragraph (2), and
 - (b) the application of the local planning authority's policies to that area must be shown on the inset map only.
- (4) When the adopted proposals map is first adopted it must illustrate geographically the application of—
- (a) the policies in any DPD adopted at the same time, and
 - (b) an old policy which applies at that time.

Local development documents: additional matters to which regard to be had

15.—(1) The matters (additional to those specified in section 19(2)(a) to (i)) prescribed for the purposes of section 19(2) are—

- (a) the strategy prepared under section 7 of the Regional Development Agencies Act 1998⁽¹⁹⁾ for the region in which the area of the local planning authority is situated;
- (b) any local transport plan, the policies of which affect any part of the local planning authority's area;
- (c) any other policies prepared under section 108(1) and (2) of the Transport Act 2000 which affect any part of the local planning authority's area⁽²⁰⁾;
- (d) the objectives of preventing major accidents and limiting the consequences of such accidents;
- (e) the need—
 - (i) in the long term, to maintain appropriate distances between establishments and residential areas, buildings and areas of public use, major transport routes as far as possible, recreational areas and areas of particular natural sensitivity or interest, and
 - (ii) in the case of existing establishments, for additional technical measures in accordance with Article 5 of Council Directive 96/82/EC on the control of major accident hazards involving dangerous substances⁽²¹⁾ so as not to increase the risks to people
- (f) the national waste strategy;

⁽¹⁹⁾ 1998 c. 45.

⁽²⁰⁾ 2000 c. 38.

⁽²¹⁾ O.J. No. L10, 14.1.1997, p. 13.

- (g) where a local planning authority's area or part of the area adjoins Scotland, the National Planning Framework for Scotland, published by the Scottish Executive in April 2004.
- (2) Expressions appearing both in paragraph (1) and in Council Directive 96/82/EC (as amended by Council Directive 2003/105/EC(22)) have the same meaning as in that Directive.
- (3) In paragraph 1(b) "local transport plan" has the same meaning as in section 108(3) of the Transport Act 2000.

PART 5

SUPPLEMENTARY PLANNING DOCUMENTS

Application and interpretation of Part 5

16.—(1) This Part applies to SPDs only.

(2) In this Part—

"adoption statement" means a document that specifies—

- (a) the date on which an SPD is adopted, and
- (b) that any person aggrieved by the SPD may apply to the High Court for permission to apply for judicial review of the decision to adopt the SPD; and
- (c) that any such application for leave must be made promptly and in any event not later than 3 months after the date on which the SPD was adopted;

"consultation statement" means the statement prepared under regulation 17(1);

"SPD documents" means—

- (a) the SPD,
- (b) the sustainability appraisal report,
- (c) the consultation statement, and
- (d) such supporting documents as in the opinion of the authority are relevant to the preparation of the SPD; and

"SPD matters" means—

- (a) the title of the SPD,
- (b) the subject matter of, and the area covered by, the SPD,
- (c) the period within which representations about the SPD must be made in accordance with regulation 18(2)(a),
- (d) the address to which and, where appropriate, the person to whom representations (whether made by way of electronic communications or otherwise) must be sent in accordance with regulation 18(2)(b),
- (e) a statement that any representations may be accompanied by a request to be notified at a specified address of the adoption of the SPD.

Public participation

17.—(1) Before a local planning authority adopt an SPD they must—

(22) O.J. No. L345, 31.12.2003, p. 0097-0105.

- (a) make copies of the SPD documents and a statement of the SPD matters available for inspection during normal office hours—
 - (i) at their principal office, and
 - (ii) at such other places within their area as the authority consider appropriate; and
- (b) prepare a statement setting out—
 - (i) the names of any persons whom the authority consulted in connection with the preparation of the SPD,
 - (ii) how those persons were consulted,
 - (iii) a summary of the main issues raised in those consultations,
 - (iv) how those issues have been addressed in the SPD.
- (2) At the time the authority comply with paragraph (1)(a) they must—
 - (a) publish on their website—
 - (i) the SPD documents,
 - (ii) the SPD matters, and
 - (iii) a statement of the fact that the SPD documents are available for inspection and of the places and times at which they can be inspected;
 - (b) send to the bodies specified in paragraph (3)—
 - (i) the SPD,
 - (ii) the sustainability appraisal report,
 - (iii) the consultation statement,
 - (iv) such of the supporting documents as are relevant to the body to which the documents are being sent,
 - (v) notice of the SPD matters, and
 - (vi) the statement referred to in paragraph (a)(iii);
 - (c) give notice by local advertisement of—
 - (i) the SPD matters,
 - (ii) the fact that the SPD documents are available for inspection and the places and times at which they can be inspected; and
 - (d) make a request under section 24(2)(b) or (4)(b) (conformity with regional strategy).
- (3) The bodies referred to in paragraph (2)(b) are—
 - (a) each of the specific consultation bodies to the extent that the local planning authority thinks that the SPD affects the body; and
 - (b) such of the general consultation bodies as the local planning authority consider appropriate.

Representations on supplementary planning documents

- 18.**—(1) Any person may make representations about an SPD.
- (2) Any such representations must be—
 - (a) made within the period, and
 - (b) sent to the address and, where appropriate, the person, specified pursuant to regulation 17(2).

(3) The period referred to in paragraph (2)(a) must be a period of not less than 4 weeks or more than 6 weeks starting on the day on which the local planning authority complies with regulation 17(1).

- (4) A local planning authority shall not adopt an SPD until—
- (a) they have considered any representations made in accordance with paragraph (2); and
 - (b) have prepared a statement setting out—
 - (i) a summary of the main issues raised in these representations, and
 - (ii) how these main issues have been addressed in the SPD which they intend to adopt.

Adoption of supplementary planning documents

19. As soon as reasonably practicable after the local planning authority adopt an SPD they must—
- (a) make available for inspection during normal office hours at the places at which the SPD was made available under regulation 17(1)(a)—
 - (i) the statement in regulation 18(4)(b),
 - (ii) an adoption statement, and
 - (iii) the SPD;
 - (b) publish on their website—
 - (i) the statement referred to in regulation 18(4)(b), and
 - (ii) the adoption statement; and
 - (c) send the adoption statement to any person who has asked to be notified of the adoption of the SPD.

Withdrawal of a supplementary planning document

20. If an SPD is withdrawn the local planning authority must—
- (a) publish a statement of that fact on their website;
 - (b) notify—
 - (i) any body to which notification was given and to whom documents were sent under regulation 17(2)(b),
 - (ii) any person who has made a representation in accordance with regulation 18(2), of that fact; and
 - (c) remove any copies, documents, matters and statements made available or published under regulation 17(1)(a) and (2)(a).

Revocation of a supplementary planning document

21. A local planning authority may revoke an SPD if—
- (a) it ceases to comply with regulation 13(8); or
 - (b) it contains policies relating to the development of a site specified in the SPD, and that development has been completed.

Direction not to adopt a supplementary planning document

- 22.—(1) The Secretary of State may at any time direct a local planning authority—

- (a) not to adopt an SPD until he has decided whether to give a direction under section 21(1); and
 - (b) to send to him a copy of the SPD made available under regulation 17(1)(a).
- (2) If the Secretary of State issues the first-mentioned direction in paragraph (1), the authority must—
- (a) if the direction is made before they have complied with regulation 17, at the time they comply with that regulation—
 - (i) publish the direction and make it available for inspection during normal office hours—
 - (aa) at their principal office, and
 - (bb) at such other places within their area as the authority consider appropriate; and
 - (ii) send a copy of the SPD to the Secretary of State;
 - (b) if the direction is made after they have complied with regulation 17—
 - (i) make the direction available for inspection during normal office hours at the places at which the SPD was made available under regulation 17(1)(a),
 - (ii) publish the direction on their website.
- (3) The first-mentioned direction in paragraph (1) shall be treated as withdrawn on the date on which the authority receive—
- (a) notice that the Secretary of State does not intend to give a direction under section 21(1); or
 - (b) the Secretary of State's direction under section 21(1).

Direction to modify a supplementary planning document

23. If the Secretary of State gives a direction under section 21(1) in respect of an SPD, the local planning authority must—

- (a) make the direction available for inspection during normal office hours at the places at which the SPD was made available under regulation 17(1)(a);
- (b) publish the direction on their website; and
- (c) at the time they comply with regulation 19—
 - (i) make available for inspection during normal office hours at the places at which the SPD was made available under regulation 17(1)(a); and
 - (ii) publish on their website,
 - (aa) a statement that the Secretary of State has withdrawn the direction, or
 - (bb) the Secretary of State's notice under section 21(2)(b).

PART 6

DEVELOPMENT PLAN DOCUMENTS

Application and interpretation of Part 6

24.—(1) This Part applies to a local planning authority's statement of community involvement as it applies to a DPD; and accordingly, unless otherwise indicated, any reference in this Part to a DPD includes a reference to a statement of community involvement.

(2) This Part applies to a submission proposals map as it applies to a DPD; and accordingly, with the exception of regulations 25 and 26, any reference in this Part to a DPD includes a reference to a submission proposals map.

(3) With the exception of regulation 45(b), regulations 40 to 44 apply to any part of a DPD as they apply to the whole of a DPD.

(4) In this Part—

“adoption statement” means a statement—

- (a) of the date on which a DPD is adopted;
- (b) that a person aggrieved by the DPD may make an application to the High Court under section 113;
- (c) of the grounds on which, and the time within which, such an application may be made;
- (d) that a person aggrieved by a statement of community involvement may apply to the High Court for permission to apply for judicial review of the decision to adopt the statement; and
- (e) that any such application must be made promptly and in any event not later than 3 months after the day on which the statement was adopted;

“decision statement” means—

- (a) a statement that the Secretary of State has decided to approve, approve subject to modifications, or reject a DPD (as the case may be),
- (b) where the Secretary of State decides to approve a DPD, or to approve a DPD subject to modifications, a statement—
 - (i) of the date on which the DPD is adopted,
 - (ii) that a person aggrieved by the DPD may make an application to the High Court under section 113, and
 - (iii) of the grounds on which, and the time within which, such an application may be made;

“DPD bodies” means the bodies consulted by a local planning authority under regulation 25;

“DPD documents” means the following documents—

- (a) the DPD,
- (b) the sustainability appraisal report,
- (c) the pre-submission consultation statement,
- (d) such supporting documents as in the opinion of the authority are relevant to the preparation of the DPD;

“DPD matters” means the following matters—

- (a) the title of the DPD,
- (b) the subject matter of , and the area covered by, the DPD,
- (c) the period within which representations about the DPD must be made in accordance with regulation 29(1),
- (d) the address to which and, where appropriate, the person to whom representations (whether made by way of electronic communications or otherwise) must be sent in accordance with regulation 29(1),
- (e) a statement that representations may be accompanied by a request to be notified at a specified address of the publication of the recommendations of the person appointed to carry out an examination under section 20 or the adoption of the DPD or both;

“pre-submission consultation statement” means the statement prepared pursuant to regulation 28(1)(c);

“pre-submission proposals documents” means the authority’s proposals for the DPD and such supporting documents as in the opinion of the authority are relevant to those proposals;

“proposals matters” means the following matters—

- (a) the proposed title of the DPD,
- (b) the proposed subject matter and area of the DPD,
- (c) the period within which representations on the proposals may be made in accordance with regulation 27(2)(a),
- (d) the address to which and, where appropriate, the person to whom representations (whether made by way of electronic communications or otherwise) must be sent in accordance with regulation 27(2)(b),
- (e) a statement that any representations may be accompanied by a request to be notified at a specified address that the DPD has been submitted to the Secretary of State for independent examination under section 20 and of the adoption of the DPD; and

“site allocation representation” means any representation which seeks to change a DPD by—

- (a) adding a site allocation policy to the DPD, or
- (b) altering any site allocation policy in the DPD.

Pre-submission consultation

25.—(1) Subject to paragraph (2), before a local planning authority comply with regulation 26 they must consult—

- (a) each of the specific consultation bodies to the extent that the local planning authority thinks that the proposed subject matter of the DPD affects the body; and
- (b) such of the general consultation bodies as the local planning authority consider appropriate.

(2) If the document is the local planning authority’s statement of community involvement, the requirement referred to in paragraph (1)(a) is satisfied —

- (a) by an authority whose area is in a region other than London, if the authority consult—
 - (i) the regional planning body;
 - (ii) each relevant authority any part of whose area is in or adjoins the area of the local planning authority; and
 - (iii) the Highways Agency;
- (b) by a London borough council, if they consult—
 - (i) the Mayor of London;
 - (ii) each relevant authority any part of whose area is in or adjoins the area of the local planning authority; and
 - (iii) the Highways Agency.

Pre-submission public participation

26. Before a local planning authority prepare and submit a DPD to the Secretary of State they must—

- (a) make copies of the pre-submission proposals documents and a statement of the proposals matters available for inspection during normal office hours—

- (i) at their principal office, and
 - (ii) at such other places within their area as the authority consider appropriate;
- (b) publish on their website—
 - (i) the pre-submission proposals documents,
 - (ii) the proposals matters,
 - (iii) a statement of the fact that the pre-submission proposals documents are available for inspection and the places and times at which they can be inspected;
- (c) send to the DPD bodies—
 - (i) the authority's proposals for a DPD,
 - (ii) such supporting documents as are relevant to the body to which the documents are being sent,
 - (iii) notice of the proposals matters,
 - (iv) the statement in paragraph (b)(iii); and
- (d) give notice by local advertisement of—
 - (i) the proposals matters,
 - (ii) the fact that the pre-submission proposals documents are available for inspection and the places and times at which they can be inspected.

Representations on proposals for a development plan document

27.—(1) Any person may make representations about a local planning authority's proposals for a DPD.

- (2) Any such representations must be—
 - (a) made within a period of 6 weeks starting on the day the local planning authority comply with regulation 26(a), and
 - (b) sent to the address and, where appropriate, the person specified pursuant to regulation 26(b) to (d).

(3) A local planning authority shall not prepare and submit the DPD to the Secretary of State until they have considered any representations made in accordance with paragraph (2).

Submission of documents and information to the Secretary of State

- 28.**—(1) The documents prescribed for the purposes of section 20(3) are—
- (a) the sustainability appraisal report;
 - (b) if the authority have adopted their statement of community involvement, that statement;
 - (c) a statement setting out—
 - (i) which of the bodies they have consulted pursuant to regulation 25(1),
 - (ii) how these bodies, and any other persons whom the authority have consulted, were consulted,
 - (iii) a summary of the main issues raised in those consultations, and
 - (iv) how those main issues have been addressed in the DPD;
 - (d) a statement setting out—
 - (i) if representations were made under regulation 27(2)—
 - (aa) the number of representations made,

- (bb) a summary of the main issues raised in those representations, and
 - (cc) how those main issues have been addressed in the DPD; or
 - (ii) that no such representations were made;
- (e) such supporting documents as in the opinion of the authority are relevant to the preparation of the DPD.
- (2) Of the documents and statements mentioned or referred to in paragraph (1)–
 - (a) 4 copies of each shall be sent in paper form,
 - (b) 1 copy of those mentioned or referred to in paragraphs (1)(a) to (d) and, if practicable, of those referred to in paragraph (1)(e), shall be sent electronically.
- (3) As soon as reasonably practicable after the authority submit a DPD to the Secretary of State they must–
 - (a) make copies of the DPD documents and a statement of the DPD matters available for inspection during normal office hours at the places at which the pre-submission proposals documents were made available under regulation 26(a);
 - (b) publish on their website–
 - (i) the DPD documents,
 - (ii) the DPD matters, and
 - (iii) a statement of the fact that the DPD documents are available for inspection and of the places and times at which they can be inspected;
 - (c) send to each of the DPD bodies copies of–
 - (i) the DPD,
 - (ii) the sustainability appraisal report,
 - (iii) the pre-submission consultation statement,
 - (iv) such of the supporting documents sent to the Secretary of State pursuant to paragraph (1)(e) as are relevant to that body,
 - (v) notice of the DPD matters, and
 - (vi) the statement referred to in paragraph (b)(iii);
 - (d) give notice by local advertisement of–
 - (i) the DPD matters, and
 - (ii) the fact that the DPD documents are available for inspection and of the places and times at which they can be inspected; and
 - (e) give notice to those persons who requested to be notified of the submission of the DPD to the Secretary of State that it has been so submitted.

Representations on development plan documents

29.—(1) Subject to paragraph (3), a person may make representations about a DPD by sending them to the address and, where appropriate, the person specified pursuant to regulation 28(3) within the period of 6 weeks starting on the date on which the DPD is submitted to the Secretary of State under section 20(1).

(2) Before the person appointed to carry out the examination complies with section 20(7) he must consider any representations made in accordance with paragraph (1).

(3) Paragraph (1) does not apply to representations taken to have been made as mentioned in section 24(6) or (7) (non-conformity opinions of RPBs and the Mayor of London).

Conformity with regional strategy

30.—(1) A local planning authority must make a request under section 24(2)(a) or (4)(a) on the same day that they submit a DPD to the Secretary of State.

(2) The period prescribed for the purposes of section 24(3) is 6 weeks starting on the day the request under section 24(2)(a) or (4)(a) is made.

Handling of representations: general

31.—(1) This regulation does not apply to a site allocation representation.

(2) As soon as reasonably practicable after a local planning authority have received a representation on a DPD under regulation 29(1) they must—

- (a) make a copy of the representation available at the places at which the pre-submission proposals documents were made available under regulation 26(a),
- (b) where practicable, publish the representation on their website,
- (c) send to the Secretary of State—
 - (i) a statement of the total number of representations made,
 - (ii) copies of the representations,
 - (iii) a summary of the main issues raised in the representations, or
 - (iv) a statement that no representation has been made.

(3) A local planning authority need not comply with paragraph 2(a) to (c)(iii) if the representation is made after the period specified in regulation 29(1).

(4) The documents mentioned in paragraph (2)(c) shall be submitted to the Secretary of State by sending—

- (a) 4 copies of each in paper form; and
- (b) 1 copy electronically.

Handling of representations: site allocation representations

32.—(1) This regulation applies to a site allocation representation.

(2) As soon as reasonably practicable after the period in regulation 29(1) the local planning authority must—

- (a) make a site allocation representation and a statement of the matters in paragraph (3) available for inspection during normal office hours at the places at which the pre-submission proposals documents were made available under regulation 26(a);
- (b) publish on their website—
 - (i) where practicable, the site allocation representation,
 - (ii) the matters in paragraph (3),
 - (iii) a statement of the fact that the site allocation representation is available for inspection and the places and times at which it can be inspected;
- (c) send to the DPD bodies—
 - (i) the address of the site to which the site allocation representation relates,
 - (ii) notice of the matters in paragraph (3),
 - (iii) a statement of the fact that the site allocation representation is available for inspection and the places and times at which it can be inspected; and
- (d) give notice by local advertisement of—

- (i) the matters in paragraph (3),
 - (ii) the fact that the site allocation representation is available for inspection and the places and times at which it can be inspected.
 - (3) The matters referred to in paragraph (2) are—
 - (a) the period within which representations on the site allocation representation must be made;
 - (b) the address to which and, where appropriate, the person to whom—
 - (i) written representations, and
 - (ii) representations by way of electronic communications,
- must be sent.

Representations on a site allocation representation

33.—(1) Any person may make representations on a site allocation representation by sending them to the address and, where appropriate, the person specified pursuant to regulation 32(2) within the period of 6 weeks starting on the day the local planning authority comply with regulation 32(2).

(2) As soon as reasonably practicable after the authority has received a representation on a site allocation representation the local planning authority must send to the Secretary of State—

- (a) a statement of the number of representations made,
- (b) copies of all the representations,
- (c) a summary of the main issues raised in those representations, or
- (d) a statement that no such representations have been made.

(3) The documents mentioned in paragraph (2) shall be submitted to the Secretary of State by sending—

- (a) 4 copies of each in paper form; and
- (b) 1 copy electronically.

(4) Before the person appointed to carry out the examination complies with section 20(7) he must consider any representations made in accordance with paragraph (1).

Independent examination

34.—(1) This regulation applies where a person requests the opportunity to appear before and be heard by the person carrying out the examination under section 20.

(2) At least 6 weeks before the opening of an independent examination the local planning authority must—

- (a) publish the matters mentioned in paragraph (3) on their website;
- (b) notify any person who has made a representation in accordance with regulation 29(1) or 33(1), and not withdrawn that representation, of those matters; and
- (c) give notice by local advertisement of those matters.

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

- (a) the time and place at which the examination is to be held, and
- (b) the name of the person appointed to carry out the examination.

Publication of the recommendations of the person appointed

35.—(1) The local planning authority must comply with section 20(8)—

- (a) as soon as reasonably practicable after the day on which the DPD is adopted, or
 - (b) if the Secretary of State gives a direction under section 21(1) or (4) after the person appointed has complied with section 20(7), as soon as reasonably practicable after receipt of the direction.
- (2) When the local planning authority comply with section 20(8) they must–
- (a) make the recommendations of the person appointed and his reasons for those recommendations available for inspection during normal office hours at the places at which the pre-submission proposals documents were made available under regulation 26(a);
 - (b) publish the recommendations and reasons on their website; and
 - (c) give notice to those persons who requested to be notified of the publication of the recommendations of the person appointed that they have been so published.

Adoption of a development plan document

- 36.** As soon as reasonably practicable after the local planning authority adopt a DPD they must–
- (a) make available for inspection during normal office hours at the places at which the pre-submission proposals documents were made available under regulation 26(a)–
 - (i) the DPD,
 - (ii) an adoption statement, and
 - (iii) the sustainability appraisal report;
 - (b) publish the adoption statement on their website;
 - (c) give notice by local advertisement of–
 - (i) the adoption statement,
 - (ii) the fact that the DPD is available for inspection and the places and times at which the document can be inspected,
 - (d) send the adoption statement to any person who has asked to be notified of the adoption of the DPD; and
 - (e) send the DPD and the adoption statement to the Secretary of State.

Withdrawal of a development plan document

- 37.—(1)** As soon as reasonably practicable after a DPD is withdrawn under section 22(1) the local planning authority must–
- (a) publish a statement of that fact on their website;
 - (b) give notice of that fact by local advertisement;
 - (c) notify any body to which notification was given under regulation 26(c) of that fact;
 - (d) remove any copies, documents, matters and statements made available or published under regulation 26(a) and (b).
- (2)** As soon as reasonably practicable after a DPD is withdrawn under section 22(2) the local planning authority must comply with paragraph (1)(a) to (d) and in addition must–
- (a) notify any person who has made a representation in accordance with regulation 29(1) or 33(1), and not withdrawn that representation, of this fact; and
 - (b) remove any copies, documents, representations, matters and statements made available or published under regulation 28(3)(a) and (b), 31(2), 32(2)(a) and (b) and 34(2)(a).

Direction not to adopt a development plan document

38.—(1) Where, in relation to a DPD, the person appointed to carry out an examination under section 20 has complied with subsection (7) of that section, the Secretary of State may at any time direct the local planning authority not to adopt that DPD until he has decided whether to give a direction under section 21(1) or (4).

(2) If the Secretary of State gives such a direction the authority must—

- (a) make the direction available for inspection during normal office hours at the places at which the pre-submission proposals documents were made available under regulation 26(a),
- (b) publish the direction on their website,
- (c) not adopt the DPD until the Secretary of State has notified them of his decision under paragraph (1).

Direction to modify a development plan document

39. If the Secretary of State gives a direction under section 21(1) in respect of a DPD, the local planning authority must—

- (a) make the direction available for inspection during normal office hours at the places at which the pre-submission proposals documents were made available under regulation 26(a);
- (b) publish the direction on their website; and
- (c) at the time they comply with regulation 36 publish and make available for inspection in accordance with that regulation—
 - (i) a statement that the Secretary of State has withdrawn the direction, or
 - (ii) the Secretary of State's notice under section 21(2)(b).

Section 21(4) directions (call-in): supplementary

40.—(1) This regulation and regulations 41 to 44 apply where the Secretary of State gives a direction under section 21(4).

(2) If the direction is given before the local planning authority submit to the Secretary of State the DPD to which the direction relates—

- (a) the Secretary of State must—
 - (i) carry out an appraisal of the sustainability of the proposals in the DPD or, where his direction relates to part only of the DPD, the proposals in that part and prepare a report of the findings of the appraisal, and
 - (ii) comply with regulation 30 as if references in that regulation to the local planning authority were references to the Secretary of State; and
- (b) the local planning authority must—
 - (i) if the direction is given before they comply with regulation 26, publish the direction and make it available for inspection—
 - (aa) when they comply with that regulation, and
 - (bb) in accordance with that regulation,
 - (ii) if the direction is given after the authority have complied with regulation 26—

- (aa) make the direction available for inspection during normal office hours at the places at which the pre-submission proposals documents were made available under regulation 26(a), and
 - (bb) publish the direction on their website; and
 - (iii) subject to any necessary modifications, comply with the regulations in paragraph (3) as if they were preparing the DPD;
- (3) The regulations referred to in paragraph (2)(b)(iii) are regulations 26 to 34 (with the exception of regulation 30) and regulation 37 (ignoring paragraph (1)).
- (4) Nothing in paragraph (2)(b)(iii) requires a local planning authority to take again any step taken before receipt of the direction.

Changes proposed by the Secretary of State to development plan documents (call-in)

41.—(1) If the Secretary of State proposes to depart from the recommendations of the person appointed to carry out an examination under section 20, he must publish—

- (a) the changes he proposes to make, and
- (b) his reasons for doing so.

(2) As soon as reasonably practicable after the Secretary of State complies with paragraph (1) the local planning authority must—

- (a) make copies of the changes and reasons and a statement of the matters in paragraph (3) available for inspection during normal office hours at the places at which the pre-submission proposals documents were made available under regulation 26(a);
- (b) publish on their website—
 - (i) the changes and reasons,
 - (ii) the matters in paragraph (3),
 - (iii) a statement of the fact that the changes and reasons are available for inspection and the places and times at which they can be inspected;
- (c) send copies of the changes and reasons to the bodies in paragraph (4) and notify these bodies of the matters in paragraph (3); and
- (d) give notice by local advertisement of—
 - (i) the matters in paragraph (3),
 - (ii) the fact that the changes and reasons are available for inspection and the places and times at which they can be inspected.

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

- (a) the period within which representations on the changes must be made;
- (b) the address to which and, where appropriate, the person to whom representations (whether made by way of electronic communications or otherwise) must be sent; and
- (c) a statement that any representations made may be accompanied by a request to be notified at a specified address of the Secretary of State's decision under section 21(9)(a).

(4) The bodies referred to in paragraph (2)(c) are—

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

Representations on proposed changes (call-in)

42.—(1) Any person may make representations on the changes the Secretary of State proposes to make by sending them to the address and, where appropriate, the person specified pursuant to regulation 41(2) within the period of 6 weeks starting on the day on which the Secretary of State complies with regulation 41(1).

(2) Before the Secretary of State complies with section 21(9)(a) he must consider any representations made in accordance with paragraph (1).

Publication of the recommendations of the person appointed to carry out the independent examination (call-in)

43. As soon as reasonably practicable after the Secretary of State complies with section 21(6), the local planning authority must—

- (a) make the recommendations and reasons of the person appointed to carry out the examination available for inspection during normal office hours at the places at which the pre-submission proposals documents were made available under regulation 26(a), and
- (b) publish the recommendations and reasons on their website.

Secretary of State's decision after section 21(4) direction (call-in)

44. As soon as reasonably practicable after the Secretary of State approves, approves subject to modifications or rejects a DPD or part of it (as the case may be) in accordance with section 21(9)(a), the local planning authority must—

- (a) make available for inspection during normal office hours at the places at which the pre-submission proposals documents were made available under regulation 26(a)—
 - (i) the DPD and the reasons given by the Secretary of State pursuant to section 21(9)(b),
 - (ii) a decision statement,
- (b) publish the decision statement on their website,
- (c) give notice by local advertisement of—
 - (i) the decision statement,
 - (ii) the fact that the DPD and 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
- (d) send the decision statement to any person who has asked to be notified of the Secretary of State's decision under section 21(9)(a).

Secretary of State's default power

45. Where the Secretary of State prepares or revises a DPD under section 27—

- (a) he must comply with such provisions of Part 2 of the Act and such provisions of these Regulations—
 - (i) as are relevant to the preparation of the DPD or revision, and
 - (ii) as if references in those provisions to the local planning authority were references to the Secretary of State;
- (b) regulations 41 to 44 apply, subject to any necessary modifications and as if references to a local planning authority were references to the Secretary of State.

PART 7

CORRESPONDING DOCUMENTS AND CORRESPONDING SCHEMES

Joint local development documents: corresponding documents

46.—(1) In relation to an agreement mentioned in section 28(1), the period prescribed for the purposes of section 28(9) is 3 months starting on the day on which any local planning authority which is a party to the agreement withdraws from it.

(2) A corresponding document for the purposes of section 28(7) is a document which—

- (a) does not relate to any part of the area of the authority that has withdrawn from the agreement; and
- (b) with respect to the areas of the local planning authorities which prepared it, has substantially the same effect as the original joint document.

(3) In paragraph (2)(b) “original joint document” means a joint LDD prepared pursuant to the agreement mentioned in paragraph (1).

Joint committees: corresponding documents and corresponding schemes

47.—(1) The period prescribed for the purposes of section 31(6) is 3 months starting on the day on which the Secretary of State revokes under section 31(2) an order under section 29 (joint committees).

(2) Subject to paragraph (5), for the purposes of section 31(3) and (6) a corresponding document is a document which—

- (a) does not relate to any part of the area of the constituent authority which requested the revocation of the order; and
- (b) with respect to the area of the successor authority, has substantially the same effect as the original LDD.

(3) For the purposes of section 31(3), a corresponding scheme is a scheme of a successor authority which—

- (a) specifies a document that is a corresponding document for the purposes of section 31(3), but
- (b) does not specify the original LDD,

as a document which is to be an LDD.

(4) In paragraph (3)(b) “original LDD” means an LDD prepared by the joint committee constituted by the order under section 29.

(5) Paragraph (2)(a) does not apply where the constituent authority is a county council for which there is also a district council.

PART 8

ANNUAL MONITORING REPORT

Annual monitoring report

48.—(1) The period prescribed for the purposes of section 35(3)(a) is the period of twelve months commencing on 1st April in each year and ending on 31st March in the following year.

(2) The time prescribed for the purposes of section 35(3)(b) is nine months after the end of the period in respect of which the report is made.

(3) An annual report must contain the following information—

- (a) the title of the documents specified in the authority's local development scheme;
- (b) in relation to each of those documents—
 - (i) the timetable specified in the authority's scheme for the document's preparation,
 - (ii) the information referred to in regulation 8(b)(i) and (ii) or (c)(ii) (as the case may be),
 - (iii) where, within the period in respect of which the report is made, the first step has been taken in the preparation of the document—
 - (aa) the stage the document has reached in its preparation,
 - (bb) if the document's preparation is behind the timetable mentioned in paragraph (i) the reasons for this, and
 - (cc) a timetable relating to the further steps that are likely to be taken for the preparation of the document;
- (c) where any document specified in the authority's local development scheme has been adopted or approved within the period in respect of which the report is made, a statement of that fact and of the date of adoption or approval;
- (d) the title of any local development order adopted by the authority under section 61A of the Town and Country Planning Act 1990⁽²³⁾;
- (e) in relation to any such order—
 - (i) a statement of the authority's reasons for making the order,
 - (ii) a statement about the effect of the order and a comparison of that with the reasons given in the statement to be provided pursuant to paragraph (e)(i);
- (f) where the authority have revoked any local development order, a statement of the title of the order and the authority's reasons for revoking it.

(4) Where an authority are not implementing a policy specified in a DPD or an old policy as defined in paragraph 1(4) of Schedule 8 to the Act, the annual report must identify that policy.

(5) Where an annual report identifies a policy pursuant to paragraph (4) the report must include a statement of—

- (a) the reasons why the authority are not implementing the policy;
- (b) the steps (if any) that the authority intend to take to secure that the policy is implemented; and
- (c) whether the authority intend to prepare a DPD or a revision of the DPD (as the case may be) to replace or amend the policy.

(6) Paragraph (7) applies where a policy specified in a DPD or an old policy specifies—

- (a) an annual number, or
- (b) a number relating to any other period specified in—
 - (i) the DPD, or
 - (ii) the development plan for the purposes of paragraph 1(1) of Schedule 8 to the Act, of net additional dwellings in any part of the area of the authority.

(7) Where this paragraph applies, the annual report must specify the number of dwellings built in the part of the authority's area concerned—

(23) 1990 c. 8. Section 61A was inserted by section 40 of the Planning and Compulsory Purchase Act 2004 (c. 5).

- (a) in the period in respect of which the report is made, and
 - (b) since the policy referred to in paragraph (6) was first published, adopted or approved.
- (8) As soon as reasonably practicable after an authority make an annual report to the Secretary of State they must publish the report on their website.

PART 9

AVAILABILITY OF DOCUMENTS

Availability of documents: general

49.—(1) This regulation does not apply to a document or revision which is made available or published under regulation 50.

(2) Copies, documents, representations, directions, matters, notices or statements which under these Regulations are—

- (a) made available for inspection, or
- (b) published on a website,

may be removed at the time specified in paragraph (3).

(3) The time mentioned in paragraph (2)—

- (a) where the copies, documents, representations, directions, matters, notices or statements relate to an SPD or to the local planning authority's statement of community involvement, is 3 months after the day on which the SPD or statement of community involvement is adopted;
- (b) where the copies, documents, representations, directions, matters, notices or statements relate to a DPD, is the end of the period of six weeks referred to in section 113(4) (period for challenging the validity of relevant documents) that applies as regards the DPD concerned.

Availability of adopted or approved local development documents

50.—(1) Paragraph (2) applies where a local planning authority adopt, or the Secretary of State approves, an LDD.

(2) As soon as reasonably practicable after the document is adopted or approved the authority must—

- (a) make a copy of the LDD available for inspection at their principal office during normal office hours;
- (b) publish the LDD on their website.

(3) Paragraph (4) applies where a local planning authority adopt, or the Secretary of State approves, a revision of an LDD.

(4) As soon as reasonably practicable after the revision is adopted or approved the authority must incorporate the revision into the LDD made available for inspection and published under paragraph (2).

(5) Where the Secretary of State or a local planning authority revoke an LDD, within 2 weeks of the date on which the LDD was revoked the authority must—

- (a) publish a statement of that fact on their website;
- (b) remove the copy of the LDD made available for inspection and published under paragraph (2);

- (c) take such other steps as they consider necessary to draw the revocation of the LDD to the attention of persons living or working in their area; and
- (d) if the document is a DPD, give notice of the revocation of the LDD by local advertisement.

Copies of documents

51.—(1) Where—

- (a) a person makes a document available for inspection under these Regulations,
- (b) that document is not published pursuant to a requirement of Part 2 of the Act, and
- (c) the person is asked by another person for a copy of that document,

the person first-mentioned must provide a copy of the document to that other person as soon as reasonably practicable after receipt of that other person's request.

(2) Any person who provides a copy—

- (a) under paragraph (1), or
- (b) of a document published as required by or under Part 2 of the Act,

may make a reasonable charge for the copy.

Signed by authority of the First Secretary of State

26th August 2004

Nick Raynsford
Minister of State,
Office of the Deputy Prime Minister

EXPLANATORY NOTE

(This note is not part of the Regulations)

Part 2 of the Planning and Compulsory Purchase Act 2004 (“the Act”) establishes a new system of local development planning in England. These Regulations make provision for the operation of that system.

The Regulations prescribe the form and content of the local development scheme (to be prepared by local planning authorities (“LPAs”)) and the procedure to be followed to bring it into effect (Part 3). The Act provides for two forms of local development documents (“LDDs”):- supplementary planning documents (“SPDs”) and development plan documents (“DPDs”). The Regulations prescribe the form and content of LDDs (Part 4) and regulate the procedure to be followed in their preparation.

The main steps in the SPD procedure are—

- publication of the SPD and consultation with certain bodies about it (regulation 17);
- consideration of representations made about the SPD (regulation 18);
- adoption of the SPD by the LPA (regulation 19).

There are also provisions about the withdrawal or revocation of SPDs (regulations 20 and 21) and the intervention of the Secretary of State in the SPD preparation process (regulations 22 and 23).

The main steps in the DPD procedure are—

- publication of the proposals for a DPD and consultation with certain bodies about those proposals (regulations 25 and 26);
- consideration of representations made about the DPD proposals (regulation 27);
- submission of the DPD to the Secretary of State (regulation 28);
- representations made about the DPD (regulation 29);
- independent examination of the DPD, including consideration of representations made, by a person appointed by the Secretary of State (regulation 34);
- publication of the recommendations of the person appointed to carry out the examination (regulation 35);
- adoption of the DPD by the LPA (regulation 36).

There are also provisions about how different forms of representation on a DPD are to be handled (regulations 31 and 32), about the withdrawal of a DPD (regulation 37) and the intervention of the Secretary of State in the DPD preparation process (including provisions about DPDs directed by the Secretary of State to be submitted for his consideration) (regulations 38 to 45).

The Regulations also make provision for the preparation of joint LDDs (regulation 46) and the operation of joint committees (comprising two or more local planning authorities) (regulation 47). They also require the preparation by the LPA of an annual monitoring report (regulation 48), make provision about electronic communications (regulation 4) and about the availability of documents (Part 9).

The Regulations apply to county councils for the purposes of minerals and waste development planning as they apply to LPAs for local development planning purposes.

