



# Local planning regulations **Consultation**



## Local planning regulations

### **Consultation**

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# Contents

Summary of consultation	4
Basic information	5
Background	5
Purpose of consultation	6
Background – local development regulations	9
Summary of proposed changes	12
Consultation questions	14
Annex 1: Draft regulations	15

## Summary of consultation

<b>Topic of this consultation:</b>	This consultation seeks views on the Government's proposed new regulations governing the process by which local councils prepare their development plan and associated documents.
<b>Scope of this consultation:</b>	<p>The current regulations on plan preparation are set out in the Town and Country Planning (Local Development) (England) Regulations 2004, as amended.</p> <p>The Government proposes to revise these regulations; i) in response to reforms set out in the Localism Bill; ii) to consolidate changes made to the 2004 regulations into a single document; and iii) to ensure the regulations are as effective and simple as possible.</p> <p>This consultation does not seek views on the Localism Bill or the National Planning Policy Framework, rather it asks for comments on how the revised regulations have responded to the planning reform programme.</p>
<b>Geographical scope:</b>	The proposed regulations would apply to the preparation of local plans for local authorities in England.
<b>Impact assessment:</b>	As part of the Localism Bill.

## Basic information

<b>To:</b>	Local authorities in England that are either preparing or reviewing their local plans, and anyone with an interest in the preparation of local plans.
<b>Body/bodies responsible for the consultation:</b>	Communities and Local Government
<b>Duration:</b>	12 weeks
<b>Enquiries:</b>	Martin Bridgman  Local Planning Regulations Consultation Department for Communities and Local Government Planning Directorate Zone 1/J1 Eland House Bressenden Place London SW1E 5DU  <a href="mailto:lpregsconsultation@communities.gsi.gov.uk">lpregsconsultation@communities.gsi.gov.uk</a>
<b>How to respond:</b>	Please respond by e-mail, or by post, by 7 October 2011
<b>Additional ways to become involved:</b>	If you require this material in an alternative format, please contact us.
<b>After the consultation:</b>	Communities and Local Government will aim to publish its response to the consultation by 1 November 2011
<b>Compliance with the Code of Practice on Consultation:</b>	This consultation complies with the Code of Practice on Consultation

## Background

<b>Getting to this stage:</b>	The Government has decided to update the 2004 Local Development Regulations in response to the proposed reforms in the Localism Bill, and to take the opportunity to consolidate the changes since 2004 into a single document, while revising the remaining regulations in order to ensure that they are as effective and as simple as possible.
<b>Previous engagement:</b>	The changes set out in the Localism Bill have been debated in Parliament.

## Purpose of consultation

As set out in the coalition programme, the Government is ending the era of top-down government by giving new powers to local councils, communities, neighbourhoods and individuals.

An important part of this decentralisation is the reform of the planning system, which will give local councils and communities far more ability to determine the shape of the places in which they live. This includes the proposed changes in the Localism Bill to cut red tape from the process of preparing local plans in order to ensure that the whole process is as effective and as simple as possible.

We are shifting the emphasis away from reporting to Whitehall and onto reporting to local people, giving councils more flexibility over how they plan for the future of their area while ensuring sure they remain transparent and accountable to local communities, residents and businesses.

This consultation sets out the background to amending the regulations on preparing local plans and seeks views on the Government's proposals. It does not seek views on the provisions in the Localism Bill, or the National Planning Policy Framework, rather it asks for comments on how the regulations have responded to the planning reform programme.

### **Response to consultation**

This consultation paper invites your views on the specific questions set out in the document, and other comments you may wish to make.

Responses to this consultation paper should be sent to:

Martin Bridgman  
PPS12 Consultation  
Communities and Local Government  
Planning Directorate  
Zone 1/J1, Eland House  
Bressenden Place  
London  
SW1E 5DU

[lpregsconsultation@communities.gsi.gov.uk](mailto:lpregsconsultation@communities.gsi.gov.uk)

Responses should reach the department no later than 7 October 2011

If you have any queries regarding the consultation please contact Martin Bridgman using the details above.

## **About this consultation**

This consultation document and consultation process have been planned to adhere to the Code of Practice on Consultation issued by the Department for Business Enterprise and Regulatory Reform and is in line with the seven consultation criteria, which are:

1. Formal consultation should take place at a stage when there is scope to influence the policy outcome.
2. Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible.
3. Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals.
4. Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach.
5. Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be obtained.
6. Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation.
7. Officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.

Representative groups are asked to give a summary of the people and organisations they represent, and where relevant who else they have consulted in reaching their conclusions when they respond.

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000, the Data Protection Act 1998 and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the Freedom of Information Act, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all



circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the department.

The Department for Communities and Local Government will process your personal data in accordance with the Data Protection Act and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

Individual responses will not be acknowledged unless specifically requested.

Your opinions are valuable to us. Thank you for taking the time to read this document and respond.

Are you satisfied that this consultation has followed these criteria? If not or you have any other observations about how we can improve the process please contact:

The DCLG Consultation Co-ordinator  
Zone 4/H3  
Eland House  
London SW1E 5 DU

[consultationcoordinator@communities.gsi.gov.uk](mailto:consultationcoordinator@communities.gsi.gov.uk)

## Background – local development regulations

The process of preparing a local plan is currently set out in the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Development) (England) Regulations 2004, as amended. The Localism Bill is intended to amend the 2004 Act, and this consultation seeks views on revised regulations to replace the amended 2004 Regulations.

The main issues that the 2004 regulations cover are:

- the form and content of plans and supporting information
- the process of preparing, consulting and examining development plan documents
- the process of preparing non-statutory supplementary planning documents
- joint documents prepared by more than one council; and
- publicising information on plan preparation

### **What's changing, and why?**

The Government strongly believes that it is beneficial for communities and developers to have an up-to-date local plan in place to help guide the delivery of the sustainable development that their area needs.

Through reforms set out in the Localism Bill, the Government wants to remove centralised bureaucracy and return decisions on planning to local councils and communities, in particular through the proposed abolition of regional strategies and introduction of neighbourhood, as well as streamlining the process of preparing local plans. These reforms will make the role of local plans even more important, as they will set a planning strategy in co-operation with neighbouring councils, as well as a framework to guide neighbourhood plans.

The Localism Bill is introducing the following changes to the way local plans are prepared.

### **Duty to co-operate**

The Bill introduces a new duty to co-operate, which will require councils and other public bodies to work together on planning issues. Therefore we propose to use the revised local plan regulations to set out the proposed list of bodies that the duty will apply to.

## **Adoption of local plan documents**

The Government believes that despite the great benefits for communities of having an up-to-date development plan in place, the current process for preparing local plans does not always allow a local council or their communities to have ownership of their plan. The Government wants to change the process, and make it simpler and more transparent.

Local councils are currently required to submit their draft plan for public examination by an independent inspector, appointed by the Secretary of State. Following the examination, the inspector produces a report which may modify the plan, which a local authority must accept before they can formally adopt the plan. These changes can therefore feel imposed.

Therefore, in the Localism Bill, we propose to remove the inspectors' powers to impose changes. Inspectors will report to the local authority and identify conflicts between the plan and national policy and regulatory process. However, they will only be able to recommend modifications to overcome these issues if the council ask them to. In addition, councils can suggest their own modifications for assessment by the Inspector during the examination, as well as making minor non-material changes themselves. The council is then free to choose to accept the inspector's modifications and adopt the plan, or resubmit a new plan. This approach will encourage a more collaborative process as the examination becomes more recognised as a forum for mediation.

## **Withdrawal of local plan documents**

This change in the Bill allows a council to withdraw a development plan document at anytime before its adoption. If the development plan document has been submitted for independent examination, the council no longer requires a recommendation from the person carrying out the examination or a direction from the Secretary of State that the document should be withdrawn.

## **Local development scheme**

Councils must prepare and maintain a local development scheme specifying the documents that will be development plan documents, their subject matter and area and the timetable for their preparation and revision. Councils are no longer required to submit the local development scheme to the Secretary of State, or if a London Borough, send a copy to the Mayor of London. Councils must publish up to date information on their progress in preparing development plan documents against the local development scheme. Councils have flexibility to decide how best to present this information to the public, for example using on-line timetables.

## **Reporting to communities**

Councils are currently required to publish an annual monitoring report on the implementation of their local development scheme and whether the policies in their plan are being achieved. The Bill removes the need to make this report to the Secretary of State, but the duty to monitor remains by requiring an 'authorities' monitoring report' to be prepared for local people, in the interests of local transparency and accountability. This will allow regulations to require monitoring information to be made available online and in council offices as soon as it is available to the council, rather than waiting to publish in a report annually.

## **National planning policy**

In addition to the reforms set out in the Localism Bill, the Government intends to replace national policy on local plans set out in Planning Policy Statement 12: *Local Spatial Planning*, published in 2008. Planning Policy Statement 12, along with the other existing planning policy statements will be replaced by a new consolidated National Planning Policy Framework. This policy document is the subject of a separate consultation.

Local plans are described as 'local development frameworks' in Planning Policy Statement 12. Local development frameworks are a collection of documents that councils can prepare to guide future development in their area, including both development plan documents that require independent examination in public, and supplementary planning documents which do not. These documents form the primary basis for council's decisions on applications for planning permission.

# Summary of proposed changes

In summary, we propose to make the following changes to the regulations:

Part 1 makes minor consequential amendments.

Part 2 streamlines existing requirements and lists the public bodies to whom the new 'duty to co-operate' applies, and requires these bodies to take account of the views of local enterprise partnerships.

Part 3 sets out a simple definition of development plan documents, without referring to complex 'local development framework' terminology such as 'core strategy' or 'area action plan', which made the process confusing for the public and business, and inflexible for councils. This allows councils to decide what they want to include in their development plan documents and review policy more quickly. Part 3 also removes the current regulations on local development schemes, giving councils the freedom to report the information that they think most relevant to local people, while maintaining the requirement to keep the public informed about the status of planning documents, as set out in the Bill.

Part 4 makes minor consequential amendments.

Part 5 streamlines the regulations on the preparation of supplementary planning documents, in particular in relation to the role of the Secretary of State.

Part 6 streamlines how the Secretary of State's powers for intervention are set out and removes the need to seek compliance with regional strategies for areas outside London in response to their proposed abolition in the Bill. The revised regulations also remove the detailed prescription for public participation in the preparation of the statement of community involvement.

Part 7 does not include any changes.

Part 8 removes the requirement to prepare a monitoring report for the Secretary of State. Councils are instead required to make the report for local people on key issues to be determined locally, as set out in the Bill. New regulation 39 prescribes minimum information to be included in monitoring reports beyond current regulation 48, including net additional affordable housing, Community Infrastructure Levy receipts, the number of neighbourhood plans that have been adopted, and action taken under the duty to co-operate. It also requires the monitoring information to be made available online and in council offices, as soon as it is available to the council, rather than waiting to publish in a report annually.

Part 9 streamlines requirements into a single regulation on the availability of documents which makes it easier for readers to understand and removes repetition from other regulations.

## **What's not changing?**

In revising the regulations in response to the Bill, and consolidating changes made since 2004, the basic process of plan preparation is largely unchanged in order to meet EU requirements. The process for preparing development plan documents consists of an engagement stage and one formal consultation stage before submission to the Secretary of State for examination in public. See revised regulations 19, 20 and 21 which replace current regulations 25, 27 and 28. The main steps in preparing supplementary planning documents are all kept to a minimum.

## Consultation questions

1. Do you agree that the revised regulations effectively reflect the changes proposed in the Localism Bill?
2. Do you agree with the list of bodies included in the duty to cooperate?
3. Do you agree the revised regulations effectively consolidate the 2004 regulations with the revisions in 2008 and 2009?
4. Are there any ways in which the regulations should be changed in order to improve the process of preparing local plans, within the powers set out in the Planning and Compulsory Purchase Act 2004 and the Localism Bill?

### **What happens next?**

Following the consultation period, the Government will consider all responses received and aims to publish its response to the consultation exercise by 1 November 2011.

# Annex 1: Draft regulations

*Draft Regulations prepared for the purposes of the Localism Bill and placed in the Library for illustrative purposes.*

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## STATUTORY INSTRUMENTS

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[2012] No.

### TOWN AND COUNTRY PLANNING, ENGLAND

#### The Town and Country Planning (Local Planning) (England) Regulations [2012]

<i>Made</i>	- - - -	***
<i>Laid before Parliament</i>		***
<i>Coming into force</i>	- -	***

#### CONTENTS

##### PART 1

###### General

1. Citation, commencement and application
2. Interpretation
3. Scope of Regulations
4. Electronic communications

##### PART 2

###### Survey of Area and duty to co-operate

5. Survey of area: county councils
6. Duty to co-operate

##### PART 3

###### Local development schemes and documents which must be development plan documents

7. Development plan documents
8. Direction in respect of a local development scheme



## PART 4

### Form and content of local development documents and regard to be had to certain matters

9. Form and content of local development documents: general
10. Form and content of the adopted proposals map
11. Local development documents: additional matters to which regard to be had

## PART 5

### Supplementary planning documents

12. Application and interpretation of Part 5
13. Public participation
14. Representations on supplementary planning documents
15. Adoption of supplementary planning documents
16. Revocation or withdrawal of a supplementary planning document
17. Direction in respect of a supplementary planning document

## PART 6

### Development plan documents

18. Application and interpretation of Part 6
19. Preparation of a development plan document
20. Publication of a development plan document
21. Representations relating to a development plan document
22. Conformity with the London Plan
23. Submission of documents and information to the Secretary of State
24. Consideration of representations by appointed person
25. Independent examination
26. Publication of the recommendations of the appointed person
27. Adoption of a development plan document
28. Withdrawal of a development plan document
29. Revocation of a development plan document
30. Direction in respect of a development plan document
31. Changes proposed by the Secretary of State to development plan documents (call-in)
32. Representations on proposed changes (call-in)
33. Publication of the recommendations of the person appointed to carry out the independent examination (call-in)
34. Secretary of State's decision after section 21(4) direction (call-in)
35. Removal of documents after rejection of a development plan document
36. Secretary of State's default power

## PART 7

### Joint local development documents

37. Joint local development documents: corresponding documents
38. Joint committees: corresponding documents and corresponding schemes

**PART 8**  
Authorities' monitoring reports

39. Authorities' monitoring reports

**PART 9**  
Availability of documents

40. Availability of documents etc.: general  
41. Copies of documents

**PART 10**  
Revocation of regulations

42. Revocation of regulations

The Secretary of State, in exercise of the powers conferred by section ? of the Localism Act 2011(a), sections 13(2)(f), 14(3) and (5), 15(2)(g), (3) and (7), 17(7), 19(2)(j), 20(3), 28(9) and (11), 31(6) and (7), 35(2) and (3) and 36 of the Planning and Compulsory Purchase Act 2004(b) and paragraph 4(2) of Schedule 4A to the Town and Country Planning Act 1990(c), 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 Planning) (England) Regulations [2012] and shall come into force on [ 2012].

(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;

“the adopted proposals map” means a document which when first adopted shows the matters specified in regulation 10;

“DPD” means development plan document as defined in regulation 7;

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

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

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

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(a) 2011 (c. ?)  
(b) 2004 (c. 5)  
(c) 1990 (c.8)  
(d) 2000 (c.7.)

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

“general consultation bodies” means the following—

- (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;

“LDD” means a local development document means a DPD, a SPD or a statement of community involvement;

“local enterprise partnership” means a local enterprise partnership recognised by the Secretary of State;

“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;

“police authority” means—

- (a) any police authority established under section 3 of the Police Act 1996**(b)**;
- (b) the Metropolitan Police Authority; and
- (c) the Common Council of the City of London in its capacity as police authority;

“relevant authority” means—

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

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

“specific consultation bodies” means the following—

- (i) the Coal Authority,
- (ii) the Environment Agency,
- (iii) the Historic Buildings and Monuments Commission for England,
- (iv) Natural England,
- (v) Network Rail,
- (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) 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

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**(a)** 2003(c. 21)

**(b)** 1990 (c.16)

- (bb) who owns or controls electronic communications apparatus situated in any part of the area of the local planning authority,
  - (ix) if it exercises functions in any part of the local planning authority's area—
    - (aa) a Primary Care Trust,
    - (bb) a person to whom a licence has been granted under section 6(1)(b) or (c) of the Electricity Act 1989<sup>(a)</sup>,
    - (cc) a person to whom a licence has been granted under section 7(2) of the Gas Act 1986<sup>(b)</sup>,
    - (dd) a sewerage undertaker,
    - (ee) a water undertaker;
    - (x) the Homes and Communities Agency;
  - (e) if the authority are a London borough council, means the Mayor of London and the bodies specified or described in (a)(i) to (x);
- “submission proposals map” means a map which accompanies a DPD submitted to the Secretary of State under section 20(1) and which shows how the adopted proposals map would be amended by the accompanying DPD, if it were adopted;
- “sustainability appraisal report” means the report prepared pursuant to section 19(5)(b); and
- “supplementary planning document” (“SPD”) means an LDD which is not a DPD or a 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. These Regulations have effect in relation to—
- (a) the revision of a LDD as they apply to the preparation of a 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).

### 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.

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(a) 1989 (c.29). There are amendments to these provisions which are not relevant to these Regulations.

(b) 1986 (c.44). There are amendments to these provisions which are not relevant to these Regulations.

(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 the recipient's 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 and duty to co-operate

#### **Survey of area: county councils**

5. The persons prescribed for the purposes of section 14(5) are any local planning authority any part of whose area lies within the area of the county council.

#### **Duty to co-operate**

6.—(1) The bodies prescribed for the purposes of section ? of the Localism Act 2011 (duty to co-operate) are—

- (a) the Environment Agency;
- (b) the Historic Buildings and Monuments Commission for England;
- (c) Natural England;
- (d) the Mayor of London;
- (e) the Civil Aviation Authority;
- (f) the Homes and Communities Agency;
- (g) Primary Care Trusts;
- (h) Office of Rail Regulation
- (i) the Highways Agency;
- (j) Transport for London;
- (k) Integrated Transport Authorities;
- (l) Highway authorities; and
- (m) the Marine Management Organisation<sup>(a)</sup>.

(2) The bodies prescribed for the purposes of section ? of the Localism Act 2011 (xx) are local enterprise partnerships.

## PART 3

### Local development schemes and documents which must be development plan documents

#### **Development plan documents**

7. A DPD is a document prepared by a local planning authority individually or in cooperation with other local planning authorities, which contains statements regarding the following—

- (a) the development and use of land which the local planning authority wish to encourage during any specified period;

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(a) See section 1 of the Marine and Coastal Access Act 2009 (c.23).

- (b) the allocation of sites for a particular development or use;
- (c) any environmental, social and economic objectives which are relevant to the attainment of the development and use of land mentioned in paragraph (a);
- (d) strategic policies in respect of matters mentioned in paragraphs (a) to (c) above; and
- (e) development management and site allocation policies, which are intended to guide the determination of applications for planning permission.

**Direction in respect of a local development scheme**

**8.**—(1) A copy of a direction given by the Mayor of London under section 15(4) or (8) shall be sent to the Secretary of State by—

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

(2) The time prescribed for the purposes of section 15(6B), (8B)(b) and (8C) is three weeks starting on the day the Mayor of London gives the direction in question.

## 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**

**9.**—(1) A LDD must contain the date on which the document is adopted.

(2) A DPD or SPD must contain a reasoned justification of the policies contained in it.

(3) The policies contained in a SPD must not conflict with the adopted development plan.

(4) Subject to paragraph (5), the policies contained in a DPD must be consistent with the adopted development plan.

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

**Form and content of the adopted proposals map**

**10.**—(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 be based on, an Ordnance Survey map;
- (b) include an explanation of any symbol or notation which it uses; and
- (c) illustrate geographically the application of the policies in the adopted development plan.

(2) Where the adopted proposals map consists of text and maps, the text prevails if the map and text conflict.

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

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

- (a) policies developed by a local transport authority in accordance with section 108 of the Transport Act 2000(a);

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(a) 2000 (c.38)

- (b) the objectives of preventing major accidents and limiting the consequences of such accidents;
  - (c) 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 so as not to increase the risks to people;
  - (d) the national waste management plan;
  - (e) 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 2009.
- (2) In this regulation “national waste management plan” has the same meaning as in the Waste (England) Regulations 2011 <sup>(a)</sup>.
- (3) Expressions appearing both in paragraph (1) and in Council Directive 96/82/EC (as amended by Council Directive 2003/105/EC) have the same meaning as in that Directive.

## PART 5

### Supplementary planning documents

#### **Application and interpretation of Part 5**

**12.**—(1) This Part applies to SPDs only.

(2) In this Part—

“adoption statement” means a statement specifying—

- (a) the date on which an SPD was adopted,
- (b) that any person with sufficient interest in the decision to adopt the SPD may apply to the High Court for permission to apply for judicial review of that decision, and
- (c) that any such application 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 13(1);

“SPD documents” means—

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

#### **Public participation**

**13.**—(1) Before a local planning authority adopt an SPD—

- (a) it must make available in accordance with regulation 40—
  - (i) copies of the SPD documents; and
  - (ii) details of when and how representations must be made; and
- (b) prepare a statement setting out—

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(a) S.I. 2011/

- (i) a summary of the main issues raised by the consultation,
  - (ii) how those issues have been addressed in the SPD.
- (2) At the time the authority comply with paragraph (1)(a) it must—
  - (a) send to the bodies specified in paragraph (3)—
    - (i) the SPD,
    - (ii) the consultation statement, and
    - (iii) such of the supporting documents as are relevant to the body to which the documents are being sent.
  - (b) make a request under section 24(4)(b) (conformity with regional strategy), if the local planning authority is a London borough.
- (3) The bodies referred to in paragraph (2)(a) 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**

- 14.**—(1) Any person may make representations about an SPD.
- (2) Any such representations must be—
- (a) made within the period specified below, and
  - (b) sent to the address and, where appropriate, the person, specified pursuant to regulation 13(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 13(1).

### **Adoption of supplementary planning documents**

- 15.** As soon as reasonably practicable after the local planning authority adopt an SPD it must—
- (a) make an adoption statement and the SPD available in accordance with regulation 40; and
  - (b) send the adoption statement to any person who has asked to be notified of the adoption of the SPD.

### **Revocation or withdrawal of a supplementary planning document**

- 16.**—(1) A local planning authority may revoke or withdrawn a SPD.
- (2) If an SPD is withdrawn the local planning authority must—
- (a) make a statement of that fact available in accordance with regulation 40.
  - (b) notify—
    - (i) any body to which notification was given and to whom documents were sent under regulation 13(2)(a),
    - (ii) any person who has made a representation in accordance with regulation 14(2), of that fact, and
  - (c) remove any copies, documents, matters and statements made available in accordance with regulation 40.
- (3) If an SPD is revoked the local planning authority must within 2 weeks of the date on which the SPD is revoked—



- (a) remove any copies, documents, matters and statements made available in accordance with regulation 40; and
- (b) take such other steps as it considers necessary to draw the revocation of the SPD to the attention of persons living or working in their area.

**Direction in respect of a supplementary planning document**

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

- (a) not to adopt an SPD until the Secretary has decided whether to give a direction under section 21(1); and
- (b) to send to the Secretary of State a copy of the SPD made available under regulation 13(1)(a)(i).

(2) A direction under paragraph (1) will 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).

(3) 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 and the SPD available in accordance with regulation 40; and
- (b) at the time it complies with regulation 15—
  - (i) make the SPD; and
  - (ii) a statement that the Secretary of State has withdrawn the direction, or the Secretary of State’s notice under section 21(2)(b),

available in accordance with regulation 40.

## PART 6

### Development plan documents

**Application and interpretation of Part 6**

**18.**—(1) In this Part—

“adoption statement” means in relation to a DPD a statement specifying—

- (i) the date on which the DPD was adopted,
- (ii) any modifications made pursuant to section 23(3),
- (iii) that any person aggrieved by the DPD may make an application to the High Court under section 113, and
- (iv) the grounds on which, and the time within which, such an application may be made;

“decision statement” means—

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

“proposed submission documents” means in relation to a DPD the following documents—

- (a) the DPD which the local planning authority propose to submit to the Secretary of State,
- (b) if the adoption of the DPD would result in changes to the adopted proposals map, a submission proposals map,
- (c) the sustainability appraisal report of the DPD,
- (d) a statement setting out—
  - (i) which bodies and persons were invited to make representations under regulation 19,
  - (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 DPD, and
- (e) such supporting documents as in the opinion of the local planning authority are relevant to the preparation of the DPD;

“statement of the representations procedure” means a statement specifying—

- (a) the title of the DPD which the local planning authority propose to submit to the Secretary of State;
- (b) the subject-matter of, and the area covered by, that document;
- (c) the date by which representations about that document must be received, by the local planning authority, which must be not less than six weeks following the day on which the statement is last published;
- (d) the address to which, and the name of the person (if any) to whom, representations about that document must be made;
- (e) that representations may be made in writing or by way of electronic communications; and
- (f) that representations may be accompanied by a request to be notified at a specified address of any of the following—
  - (i) that the DPD has been submitted for independent examination under section 20,
  - (ii) the publication of the recommendations of any person appointed to carry out an independent examination of the DPD, and
  - (iii) the adoption of the DPD.

### **Preparation of a development plan document**

**19.**—(1) A local planning authority must—

- (a) notify each of the bodies specified in paragraph (2) of the subject of a DPD which it proposes to prepare; and
- (b) invite each of those bodies to make representations to it about what a DPD with that subject ought to contain.

(2) The bodies referred to in paragraph (1) are—

- (a) such of the specific consultation bodies as the local planning authority consider may have an interest in the subject of the proposed DPD; and
- (b) such of the general consultation bodies as the local planning authority consider appropriate.

(3) If a local planning authority proposes to prepare a DPD, it must also consider whether it is appropriate to invite representations from persons who are resident or carrying on business in their area.

(4) If a local planning authority decide that it is appropriate to invite representations under paragraph (3) it must make arrangements for the purposes of inviting representation from such persons of the descriptions in paragraph (3) as it think appropriate.

(5) In preparing the DPD, the local planning authority must take into account any representations made to them in response to invitations under paragraph (1) or (4).

### **Publication of a development plan document**

**20.** Before submitting a DPD to the Secretary of State under section 20, the local planning authority must—

- (a) make a copy of each of the proposed submission documents and a statement of the representations procedure available in accordance with regulation 40,
- (b) 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 invited to make representations under regulation 19(1) for the purposes of the DPD.

### **Representations relating to a development plan document**

**21.**—(1) Any person may make representations about a DPD which a local planning authority proposes to submit to the Secretary of State.

(2) Any such representations must be received by the local planning authority by the date specified in the statement of representations procedure.

(3) Nothing in this regulation applies to representations taken to have been made as mentioned in section 24(7) (non-conformity opinions of the Mayor of London).

### **Conformity with the London Plan**

**22.**—(1) A local planning authority in London must make a request under section 24(4)(a) on the same day that it complies with regulation 20(a).

(2) If a request is made under section 24(4)(a), the Mayor must send their opinion as to the general conformity of the DPD with the spatial development strategy to the Secretary of State and the local planning authority within the period of 6 weeks starting on the day the request is made.

### **Submission of documents and information to the Secretary of State**

**23.**—(1) The documents prescribed for the purposes of section 20(3) are—

- (a) the sustainability appraisal;
- (b) a submission proposals map if the adoption of the DPD would result in changes to the adopted proposals map;
- (c) a statement setting out—
  - (i) which bodies and persons the local planning authority invited to make representations under regulation 19,
  - (ii) how those bodies and persons were invited to make representations under regulation 19,
  - (iii) a summary of the main issues raised by the representations made pursuant to regulation 19,
  - (iv) any representations made pursuant to regulation 21 which have been taken into account;
  - (v) if representations were made in accordance with regulation 21, the number of representations made and a summary of the main issues raised in those representations; and
  - (vi) if no representations were made in regulation 21, that no such representations were made;

- (d) copies of any representations made in accordance with regulation 21; and
  - (e) such supporting documents as in the opinion of the authority are relevant to the preparation of the DPD.
- (2) A copy of each of the documents and statements referred to in paragraph (1) must be sent both in paper form and electronically.
- (3) As soon as reasonably practicable after a local planning authority submit a DPD to the Secretary of State it must—
- (a) make available in accordance with regulation 40—
    - (i) a copy of the DPD;
    - (ii) a copy of each of the documents referred to in paragraph (1)(a), (b), and (c);
    - (iii) any of the documents referred to in paragraph (1)(d) or (e) which it is practicable to so make available, and
    - (iv) a statement of the fact that a copy of the DPD and of each of the documents referred to in paragraph (1)(a) to (e) are available for inspection and of the places and times at which they can be inspected;
  - (b) send to each of the general consultation bodies and to each of the specific consultation bodies invited to make representations under regulation 19(1), notification that copies of the documents referred to in paragraph (1)(a) to (e) are available for inspection and of the places and times at which they can be inspected; and
  - (c) 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.

### **Consideration of representations by appointed person**

**24.** Before the person appointed to carry out the examination complies with section 20(7) the person appointed must consider any representations made in accordance with regulation 21

### **Independent examination**

**25.—**(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) make the matters mentioned in paragraph (3) available in accordance with regulation 40; and
  - (b) notify any person who has made a representation in accordance with regulation 21 and not withdrawn that representation, of those matters.
- (3) The matters referred to in paragraph (2) are—
- (a) the date, 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 appointed person**

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

- (a) as soon as reasonably practicable after the day on which the report of the person appointed to carry out the examination has been received, 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) it must—

- (a) make the recommendations of the person appointed and their reasons for those recommendations available in accordance with regulation 40; and
- (b) 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 made available.

#### **Adoption of a development plan document**

**27.** As soon as reasonably practicable after the local planning authority adopt a DPD it must—

- (a) make available in accordance with regulation 40—
  - (i) the DPD,
  - (ii) an adoption statement,
  - (iii) the sustainability appraisal report; and
  - (iv) details of where the DPD is available for inspection and the places and times at which the document can be inspected.
- (b) send the adoption statement to any person who has asked to be notified of the adoption of the DPD; and
- (c) send the adoption statement to the Secretary of State.

#### **Withdrawal of a development plan document**

**28.** Where a local planning authority withdraw a DPD under section 22(1) the local planning authority must as soon as reasonably practicable after it is withdrawn—

- (a) make available a statement of that fact in accordance with regulation 40;
- (b) notify any body to which a copy of the proposed submission documents were provided under regulation 23; and
- (c) remove from their website and from the places at which they were made available, any copies, documents, matters and statements made available or published in accordance with regulation 40.

#### **Revocation of a development plan document**

**29.—(1)** Where a DPD is revoked, within 2 weeks of the date on which the DPD was revoked the local planning must—

- (a) make available in accordance with regulation 40 a statement of that fact ;
- (b) remove the copy of the DPD made available for inspection in accordance with regulation 40; and
- (c) take such other steps as it considers necessary to draw the revocation of the DPD to the attention of persons living or working in their area.

#### **Direction in respect of a development plan document**

**30.—(1)** If the Secretary of State gives a direction under section 21 the local planning authority must—

- (a) make the direction available in accordance with regulation 40;
- (b) if so directed by the Secretary of State, make a copy of any of the documents prescribed by these Regulations available in accordance with regulation 40;
  - (i) if so directed by the Secretary of State, invite each of the general consultation bodies and each of the specific consultation bodies to make representations for the purposes of the DPD;
- (c) if so directed by the Secretary of State as soon as reasonably practicable send to the Secretary of State any documents referred to in these Regulations.

(2) Any person may make representations about a DPD made available under regulation 20 but any such representations must—

- (a) be made within the period which the local planning authority specify for the purposes of regulation 21(2) or this paragraph (as the case may be); and
- (b) be sent to the address and, if the local planning authority think it appropriate to specify a person, the person, which the local planning authority specify for the purposes of regulation 21(2) or this paragraph (as the case may be).

(3) Nothing in paragraph (1) requires a local planning authority to take any step if an equivalent step has been taken under regulation 20, 21 or 23 before receipt of the direction.

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

**31.**—(1) If the Secretary of State proposes to depart from the recommendations of the person appointed to carry out an examination under section 20 or 21(5)(b), the local planning authority must as soon as reasonably practicable—

- (a) make copies of the changes, reasons and a statement of the matters in paragraph (2) available in accordance with regulation 40;
- (b) send copies of the changes and reasons to the bodies in paragraph (3) and notify these bodies of the matters in paragraph (2); and
- (c) make available in accordance with regulation 40 details of where the changes and reasons are available for inspection and the places and times at which they can be inspected.

(2) The matters referred to in paragraph (1) 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).

(3) The bodies referred to in paragraph (1)(b) 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)**

**32.**—(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 31 within the period of 6 weeks starting on the day on which the local planning authority made copies of the changes available in accordance with regulation 40.

(2) Before the Secretary of State complies with section 21(9)(a) the Secretary of State 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)**

**33.** 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 in accordance with regulation 40; and
- (b) 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.

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

**34.** 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 in accordance with regulation 40—
  - (i) the DPD and the reasons given by the Secretary of State pursuant to section 21(9)(b),
  - (ii) a decision statement,
  - (iii) 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
- (b) 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).

### **Removal of documents after rejection of a development plan document**

**35.**—(1) This regulation applies where—

- (a) the Secretary of State rejects a DPD under section 21(9)(a); or
- (b) the Secretary of State rejects part of a DPD under section 21(9)(a) 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 paragraph (3), remove from their website and from the places at which they were made available any copies, documents, matters and statements made available under regulation 20(a), 23(3)(a), or 26(2)(a).

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

- (a) in the circumstances mentioned in paragraph (1)(a), three months after the date of the Secretary of State's rejection of the DPD; or
- (b) in the circumstances mentioned in paragraph (1)(b), three months after the date of the local planning authority's decision.

### **Secretary of State's default power**

**36.**—(1) Any person may make representations about a DPD made available by the Secretary of State prior to the holding of an independent examination under section 27(2) but any such representation must—

- (a) be made within the period which the Secretary of State specifies; and
- (b) be sent to the address and, if the Secretary of State thinks it appropriate to specify a person, the person, which the Secretary of State specifies for the purposes of this paragraph.

(2) Where the Secretary of State holds an independent examination under section 27(2), at least 6 weeks before the opening of the independent examination the local planning authority must—

- (a) make the matters mentioned in paragraph (3) available in accordance with regulation 40; and
- (b) notify any person who has made a representation in accordance within the period specified and not withdrawn that representation, of those matters.

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

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

## PART 7

### Joint local development documents

#### **Joint local development documents: corresponding documents**

**37.**—(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**

**38.**—(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

### Authorities’ monitoring reports

#### **Authorities’ monitoring reports**

**39.**—(1) An authority’s monitoring 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 stage the document has reached in its preparation, and



- (iii) if the document’s preparation is behind the timetable mentioned in paragraph (i) the reasons for this.
  - (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;
- (2) Where an authority are not implementing a policy specified in a DPD or an old policy, the authority’s report must—
- (a) identify that policy; and
  - (b) include a statement of—
    - (i) the reasons why the authority are not implementing the policy; and
    - (ii) the steps (if any) that the authority intend to take to secure that the policy is implemented.
- (3) Where a policy specified in a DPD or an old policy specifies an annual number, or a number relating to any other period of net additional dwellings or net additional affordable dwellings in any part of the area of the authority, the authority’s report must specify the number of dwellings built in the part of the authority’s area concerned—
- (a) in the period in respect of which the report is made, and
  - (b) since the policy was first published, adopted or approved.
- (4) Where an authority has made a neighbourhood development order or a neighbourhood development plan, the authority’s monitoring report must contain details of these.
- (5) Where an authority has prepared a report pursuant to regulation 62 of the Community Infrastructure Regulations 2010(a), the authority’s monitoring report must contain the information specified in subsection (4) of regulation 62.
- (6) Where an authority has co-operated with another authority in accordance with the duty to co-operate contained in section X of the Planning and Compulsory Purchase Act 2004, details of what action it has taken.
- (7) An authority must make any up-to-date information, which it has collected for monitoring purposes, available, in accordance with regulation 40, as soon as possible after the information is available to it.
- (8) In this regulation “neighbourhood development order” shall have the same meaning as in the Town and Country Planning Act 1990(b).

## PART 9

### Availability of documents

#### **Availability of documents etc.: general**

- 40.**—(1) A document shall be taken to be made available by a local planning authority when —
- (a) made available for inspection, at their principal office and at such other places within their area as the local planning authority consider appropriate, during normal office hours, and
  - (b) published on the local planning authority’s website,
- (2) Any document made available may be removed at the time specified in paragraph (3).
- (3) The time mentioned in paragraph (3)—

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(a)  
(b)

- (a) where the document relates 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 document relates 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.

(4) Any revision to a LDD, which has been made available in accordance with this regulation, must also be made available in accordance with this regulation.

(5) In this regulation "document" means copies, representations, directions, matters, notices or statements, including adopted, approved, revised or other documents referred to in these Regulations.

### **Copies of documents**

**41.**—(1) A person may request from the local planning authority a copy of a document made available in accordance with regulation 40.

(2) The local planning authority must provide a copy of the document to that other person as soon as reasonably practicable after receipt of that other person's request.

(3) The local planning authority may make a reasonable charge for a copy of a document—

- (a) provided in accordance with under paragraph (2), or
- (b) published as required by or under Part 2 of the Act.

## **PART 10**

### **Revocation of Regulations**

#### **Revocation of Regulations**

**42.** The following Regulations are revoked:

- (a) the Town and Country Planning (Local Development Regulations) 2004(**a**);
- (b) the Town and Country Planning (Local Development Regulations)(England) 2008(**b**);
- (c) the Town and Country Planning (Local Development Regulations)(England) 2009(**c**);  
and
- (d) regulation 4 of the Local Democracy, Economic Development and Constructions Act 2009 (Consequential Amendments)(England) Order 2010(**d**).

Signed by authority of the Secretary of State for Communities and Local Government

date

[ ]  
[Minister] [Parliamentary Under Secretary] of State  
Department for Communities and Local Government

### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

- 
- (a) S.I. 2204.
  - (b) S.I. 2008 No. 1371.
  - (c) S.I. No. 401.
  - (d) S.I. 2010 No.602.

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