STATUTORY INSTRUMENTS

2016 No. 871

TOWN AND COUNTRY PLANNING, ENGLAND

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

Made - - - -	*5th September 2016*
Laid before Parliament	*7th September 2016*
Coming into force - -	*1st October 2016*

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 17(7), 33A(9) and 36 of the Planning and Compulsory Purchase Act 2004(**1**).

Citation and commencement

1.—(1) These Regulations may be cited as the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2016.

(2) These Regulations come into force on 1st October 2016.

Amendments to the Town and Country Planning (Local Planning) (England) Regulations 2012

2. The Town and Country Planning (Local Planning) (England) Regulations 2012(**2**) are amended in accordance with the following provisions.

Regulation 2

3. In regulation 2—

(a) in the appropriate place insert—

> ""neighbourhood forum" means an organisation or body designated as such under section 61F(3) of the Town and Country Planning Act 1990(**3**);"

(b) in the definition of "specific consultation bodies", after paragraph (h) insert—

> "(ha) a neighbourhood forum any part of whose area is in, or adjoins, the local planning authority's area,"

(**1**) 2004 c. 5. Section 17(7) was amended by section 180(3)(d) of the Planning Act 2008 (c.29). Section 33A was inserted by section 110 of the Localism Act 2011 (c.20). See section 122(1) for the definition of "prescribed".
(**2**) S.I. 2012/767.
(**3**) 1990 c. 8. Section 61F was inserted by Schedule 9(1) to the Localism Act 2011 (c. 20.)

Regulation 7

4. In regulation 7(1), for "15(4)" substitute "15(3A), 15(4)"(**4**).

Regulation 29

5. For regulation 29 substitute—

"**29.**—(1) Where the Secretary of State gives a direction under section 21(1), 21A(1) or 27(2)(b), (3)(b), (4)(b) or (5)(b) of the Act(**5**) in respect of a local plan, or withdraws such a direction, the local planning authority must make—

(a) a copy of the direction or a statement that the Secretary of State has withdrawn the direction (as the case may be); and

(b) the local plan,

available in accordance with regulation 35.

(2) Where the Secretary of State gives a direction under paragraph 8(2)(a), 8(5), 8(7) or 13(1) of Schedule A1 to the Act in respect of a local plan, the Mayor of London or the combined authority (as the case may be), as soon as is reasonably practicable after receiving the direction, must provide a copy of the direction to the local planning authority concerned.

(3) Where a local planning authority receive a copy of a direction under paragraph (2), as soon as is reasonably practicable after receiving the direction, the authority must—

(a) make a copy of the direction and the local plan available in accordance with regulation 35; and

(b) at the same time as the authority comply with regulation 26, make—

(i) the local plan; and

(ii) a statement that the Secretary of State has withdrawn the direction, or a copy of the Secretary of State's notice under paragraph 8(3)(b) of Schedule A1 to the Act,

available in accordance with regulation 35.

(4) Where—

(a) the Mayor of London gives a direction under paragraph 2(4)(b) of Schedule A1 to the Act in respect of a local plan; or

(b) a combined authority gives a direction under paragraph 6(4)(b) of Schedule A1 to the Act in respect of a local plan,

the local planning authority must make a copy of the direction and the local plan available in accordance with regulation 35."

Regulation 30

6. In regulation 30, after "section 21(4) of" insert ", or paragraph 8(5) of Schedule A1 to,".

Regulation 31

7. In regulation 31—

(**4**) Section 15(3A) was inserted into the Planning and Compulsory Purchase Act 2004 (c. 5) by section 143(1) of the Housing and Planning Act 2016 (c. 22).

(**5**) Section 21A was inserted into the Planning and Compulsory Purchase Act 2004 (c. 5) by section 145(5) of the Housing and Planning Act 2016 (c. 22) and Schedule A1 was inserted into that Act by section 142 of the Housing and Planning Act 2016 (c. 22). Section 27 was substituted by section 146 of the Housing and Planning Act 2016.

(a) the words from "the Secretary of State" to the end become paragraph (a); and

(b) at the end of paragraph (a) insert—

"(b) the Mayor of London prepares a local plan under paragraph 1 of Schedule A1 to the Act; or

(c) a combined authority prepares a local plan under paragraph 5 of Schedule A1 to the Act."

Regulation 35

8. For regulation 35(4) substitute—

"(4) Where—

(a) a local planning authority adopt, or the Secretary of State, the Mayor of London or a combined authority approves, a revision to a local plan; or

(b) a local planning authority adopt, or the Secretary of State approves, a supplementary planning document,

as soon as reasonably practicable after the adoption or approval, the local planning authority must incorporate the revision into the local plan or make the supplementary planning document available in accordance with this regulation."

Schedule 1

9.—(1) Schedule 1 is amended as follows.

(2) In paragraph 1, after "section 21(4) of" insert ", or paragraph 8(5) of Schedule A1 to,".

(3) For the heading to paragraph 2 substitute—

"Making available a direction given under section 21(4)"

(4) After paragraph 2 insert—

"**Provision of a copy of a direction to the local planning authority concerned**

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

(5) For the heading to paragraph 3 substitute—

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

(6) After paragraph 3 insert—

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

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

(a) unless they have already carried out an appraisal of the sustainability of the proposals in each development plan document, do so;