Appendix C – statutory consultation requirements for policy documents


Public participation in the preparation of a development plan document

25.—(1) A local planning authority must—
   (a) notify each of the bodies specified in paragraph (2) of the subject of a DPD which they propose to prepare; and
   (b) invite each of those bodies to make representations to them 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 propose to prepare a DPD, they 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) they must make arrangements for the purposes of inviting representation from such persons of the descriptions in paragraph (3) as they 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).

Public participation in the preparation of a statement of community involvement

26.—(1) Before preparing a statement of community involvement, a local planning authority must—
   (a) notify each of the bodies and persons specified in paragraph (2) of their intention to do so; and
   (b) invite each of those bodies and persons to make representations about what the contents of the statement might be.

(2) The bodies and persons referred to in paragraph (1) are—
   (a) the Secretary of State for Transport;
   (b) each relevant authority any part of whose area is in or adjoins the area of the local planning authority;
   (c) such of the general consultation bodies as the local planning authority consider appropriate;
   (d) if the local planning authority’s area is in a region other than Greater London, the regional planning body for that region; and
   (e) if the local planning authority’s area is in Greater London, the Mayor of London.

(3) Before preparing a statement of community involvement, a local planning authority 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), they must make such arrangements for the purposes of inviting representations from such persons of the descriptions in paragraph (3) as they think appropriate.

(5) In preparing the statement of community involvement, 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

27. 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 for inspection during normal office hours—
      (i) at their principal office, and
      (ii) at such other places within their area as they consider appropriate;
   (b) publish on their website—
      (i) the proposed submission documents,
(ii)a statement of the representations procedure, and
(iii)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;
(c) send to each of the specific consultation bodies invited to make representations under regulation
25(1) or 26(1) for the purposes of the DPD—
(i)a copy of each of the proposed submission documents, and
(ii)a statement of the representations procedure;
(d) send to each of the general consultation bodies invited to make representations under regulation
25(1) or regulation 26(1) for the purposes of the DPD—
(i)a statement of the representations procedure, and
(ii)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; and
(e) give by local advertisement notice which sets out—
(i)a statement of the representations procedure, and
(ii)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.

Representations relating to a development plan document
28.—(1) Any person may make representations about a DPD which a local planning authority propose to
submit to the Secretary of State.

(2) Any such representations must be—
(a) made within the period which the local planning authority specify for the purposes of this
paragraph; and
(b) 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 this paragraph.

(3) The period which the local planning authority specify for the purposes of paragraph (2)
must be a period of
not less than six weeks starting on the day on which notice given pursuant to regulation 27(e) is first published.

(4) Nothing in this regulation applies 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
29.—(1) A local planning authority must make a request under section 24(2)(a) or (4)(a) on the same day that
they comply with regulation 27(a).

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

(3) If a request is made under section 24(4)(a), the Mayor must send his 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
30.—(1) The documents prescribed for the purposes of section 20(3) are—
(a) except in the case of a statement of community involvement, the sustainability appraisal report for
the DPD;
(b) except in the case of a statement of community involvement, a submission proposals map if the
adoption of the DPD would result in changes to the adopted proposals map;
(c) if the local planning authority have an adopted statement of community involvement, that
statement;
(d) a statement setting out—
(i)which bodies and persons the local planning authority invited to make representations under
regulation 25 or regulation 26,
(ii)how those bodies and persons were invited to make representations under either of those
regulations,
(iii)a summary of the main issues raised by the representations made pursuant to either of those
regulations, and
(iv)how any representations made pursuant to either of those regulations have been taken into
account;
(e) a statement setting out—
(i)if representations were made in accordance with regulation 28(2), the number of representations
made and a summary of the main issues raised in those representations, or
(ii)that no such representations were made;
(f) copies of any representations made in accordance with regulation 28(2); and
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) a copy of each must be sent in paper form.
(b) a copy of those mentioned or referred to in paragraph (1)(a) to (e) and, if practicable, of those referred to in paragraph (1)(f) and (g), must be sent electronically.

(3) As soon as reasonably practicable after a local planning authority submit a DPD to the Secretary of State they must—

(a) make available during normal office hours at the places at which the proposed submission documents were made available under regulation 27(a), a copy of the DPD and of each of the documents referred to in paragraph (1)(a) to (g).
(b) publish on their website—
   (i) the DPD and the documents referred to in paragraph (1)(a), (b), (d), and (e),
   (ii) any of the documents referred to in paragraph (1)(f) and (g) which it is practicable to so publish, and
   (iii) a statement of the fact that a copy of the DPD and of each of the documents referred to in paragraph (1)(a) to (g) are available for inspection and of the places and times at which they can be inspected;
(c) send to each of the specific consultation bodies invited to make representations under regulation 25(1) or 26(1) (as the case may be)—
   (i) a copy of the DPD and each of the documents referred to in paragraph (1)(a) to (e),
   (ii) a copy of such of the documents referred to in paragraph (1)(g) as they consider are relevant to that body, and
   (iii) a statement of the fact that a copy of the DPD and each of the documents referred to in paragraph (1)(a) to (g) are available for inspection and of the places and times at which they can be inspected;
(d) send to each of the general consultation bodies invited to make representations under regulation 25(1) or 26(1), notification that copies of the documents referred to in paragraph (1)(a) to (g) are available for inspection and of the places and times at which they can be inspected;
(e) give notice by local advertisement of—
   (i) the title of the DPD,
   (ii) the subject matter of, and the area covered by, the DPD,
   (iii) the fact that a copy of the DPD and of each of the documents referred to in paragraph (1)(a) to (g) are available for inspection and of the places and times at which they can be inspected; and
(f) 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.