

Retail Development Bill [HL]

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TO

Provide support for small retail premises; to establish the Office for Retail Planning; to make provision about retail planning and development; and for connected purposes.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART 1

SUPPORT FOR SMALL RETAIL PREMISES

1 Support for small retail premises

- (1) In all Parts of this Act to which this section applies the relevant authority must have regard to the need to support and promote the development of small retail business where the authority considers that such support would be in the best interests of the local community. 5
- (2) This section applies to Parts 1, 2 and 3 of this Act.
- (3) In this section—
“relevant authority” means the local authority, the local planning authority, the Office for Retail Planning or the Secretary of State as appropriate; 10
“small retail business” means a class one retail business as defined by section 2.

2 Retail premises classes 15

- (1) For the purposes of this Act there shall be three classes of retail premises—
(a) small retail premises (class one);
(b) medium-sized retail premises (class two); and
(c) large retail premises (class three).

- (2) The three classes shall be defined in accordance with regulations made by the Secretary of State.
- (3) Regulations under subsection (2) shall specify the maximum –
- (a) area in square metres of retail sales floor; and
 - (b) annual turnover;
- that retail premises may have in order to qualify as small or medium-sized retail premises.

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3 Local cooperative and partnership arrangements

- (1) Each local authority must establish a scheme (“the scheme”) to support cooperative, partnership and other arrangements for the ownership of small retail premises by those living within the local community.
- (2) The scheme shall have the objective of providing support to small retail premises which would otherwise fail or cease to exist.
- (3) Under the scheme the local authority –
- (a) must provide advice to all those owning or proposing to own a small retail premises on different forms of ownership;
 - (b) may provide financial support to any arrangement under which three or more individuals establish a cooperative or partnership in order to run existing or new small retail premises.
- (4) The Office for Retail Planning (established under Part 2 of this Act) may publish guidelines for schemes under subsection (1).
- (5) Local authorities must have regard to the guidelines published under subsection (4).

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4 Small business rates: review

- (1) The Secretary of State shall conduct a review of the rates paid for class one retail premises examining –
- (a) the level of those rates as a percentage of annual turnover in comparison with class two and three retail premises;
 - (b) the impact of those rates on the ability of owners and potential owners of small retail premises to make a sufficient profit to support both the owners and their employees;
 - (c) the costs and benefits of reducing those rates.
- (2) The outcome and conclusions of the review shall be published and laid before both Houses of Parliament.

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PART 2

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OFFICE FOR RETAIL PLANNING

5 Office for Retail Planning

- (1) There shall be a body corporate to be known as the Office for Retail Planning (“ORP”) which shall carry out the functions specified in this Act.
- (2) It shall be the principal duty of ORP, in carrying out their functions –

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- (a) to further the interests of citizens in relation to retail planning matters; and
 - (b) to further the interests of consumers in relevant markets, where appropriate by promoting competition.
- (3) The things which, by virtue of subsection (1), ORP are required to secure in carrying out their functions include, in particular, each of the following – 5
- (a) the availability throughout the United Kingdom of different classes of retail premises;
 - (b) the availability throughout the United Kingdom of a wide range of retail services which (taken both as a whole and within each local area) are both of high quality and calculated to appeal to a variety of tastes and needs; 10
 - (c) the maintenance of a sufficient plurality of providers of different retail services.
- (4) ORP must also have regard, in performing those duties, to such of the following as appear to them to be relevant in the circumstances – 15
- (a) the desirability of promoting competition in relevant markets;
 - (b) the desirability of encouraging investment in relevant markets;
 - (c) the needs of persons with disabilities, of the elderly and of those on low incomes; 20
 - (d) the opinions of consumers in relevant markets and of the public generally;
 - (e) the different needs and interests of persons in the different parts of the United Kingdom, of the different ethnic communities within the United Kingdom and of persons living in rural and urban areas. 25
- (5) In performing their duty under this section of furthering the interests of consumers, ORP must have regard, in particular, to the interests of consumers in respect of choice, price, quality of service and value for money.
- (6) Where it appears to ORP that any of their general duties conflict with each other in a particular case, they must secure that the conflict is resolved in the manner they think best in the circumstances. 30

6 Office for Retail Planning: functions

- (1) ORP shall have the following functions –
- (a) the publication of guidelines for local authorities in accordance with section 3; 35
 - (b) the hearing of representations and the making of recommendations to local planning authorities in accordance with sections 7 and 8;
 - (c) the making of references in relation to land holdings in accordance with sections 9 to 11;
 - (d) the carrying out of impact assessments on class three retail premises in accordance with section 12; 40
 - (e) the oversight of retail development plans under Part 3 of this Act.
- (2) The Secretary of State may by regulations add to the functions listed in subsection (1).
- (3) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament. 45

7 Planning permission: power to hear representations

- (1) This section applies in any case where planning permission is sought in relation to a class three retail development.
- (2) ORP may hear representations from –
 - (a) the person seeking the planning permission; 5
 - (b) the local authority from which planning permission is sought; and
 - (c) such other persons as ORP consider have an interest in the grant of the planning permission.
- (3) ORP shall prepare rules for the procedures to be followed in the making of representations under subsection (2). 10
- (4) The rules prepared under subsection (3) shall be published.

8 Planning permission: power to make recommendations

- (1) Following the hearing of representations under section 7 of this Act, ORP may make recommendations to the local planning authority.
- (2) The recommendations may specify – 15
 - (a) that the permission should or should not be granted;
 - (b) that specified conditions should be attached to the grant of the permission; or
 - (c) that the local authority should have regard to specified matters when considering the application. 20
- (3) If ORP make a recommendation or recommendations under this section the local planning authority may follow that recommendation.
- (4) If the local planning authority decide not to follow a recommendation made under this section they must provide reasons for that decision to – 25
 - (a) ORP;
 - (b) the person seeking the planning permission; and
 - (c) every person who made a representation under section 7.

9 Duty to make references: land holdings

- (1) ORP shall, subject to subsections (3) and (4), make a reference to the local authority if ORP believe that it is or may be the case that – 30
 - (a) relevant land is being held by a person; and
 - (b) the holding of that land has resulted, or may be expected to result, in a substantial lessening of competition within any retail market or markets within the United Kingdom for goods or services.
- (2) For the purposes of this section “relevant land” means land – 35
 - (a) which is within the local authority’s area;
 - (b) which is suitable for retail development;
 - (c) which has not been developed; and
 - (d) in relation to which no planning permission has been sought.
- (3) ORP may decide not to make a reference under this section if they believe that – 40

- (a) the person holding the relevant land intends to seek planning permission for retail development within the next twelve months;
 - (b) the market concerned is not, or the markets concerned are not, of sufficient importance to justify the making of a reference to the local planning authority; or 5
 - (c) any relevant customer benefits in relation to the holding of the relevant land concerned outweigh the substantial lessening of competition concerned and any adverse effects of the substantial lessening of competition concerned.
- (4) No reference shall be made under this section if ORP are considering whether to accept undertakings under section 10 of this Act instead of making a reference. 10
- (5) A reference under this section shall, in particular, specify –
- (a) the enactment under which it is made; and
 - (b) the date on which it is made. 15
- (6) In this section “market in the United Kingdom” includes –
- (a) so far as it operates in the United Kingdom or a part of the United Kingdom, any market which operates there and in another country or territory or in a part of another country or territory; and
 - (b) any market which operates only in a part of the United Kingdom; 20
- and references to a market for goods or services includes references to a market for goods and services.

10 Undertakings in lieu of references under section 9

- (1) Subsection (2) applies if ORP consider that they are under a duty to make a reference under section 9 (disregarding the operation of section 9(4) but taking account of the power of ORP under section 9(3) to decide not to make such a reference). 25
- (2) ORP may, instead of making such a reference and for the purpose of remedying, mitigating or preventing the substantial lessening of competition concerned or any adverse effect which has or may have resulted from it or may be expected to result from it, accept from such of the parties concerned as they consider appropriate undertakings to take such action as they consider appropriate. 30
- (3) In proceeding under subsection (2), ORP shall, in particular, have regard to the need to achieve as comprehensive a solution as is reasonable and practicable to the substantial lessening of competition and any adverse effects resulting from it. 35
- (4) In proceeding under subsection (2), ORP may, in particular, have regard to the effect of any action on any relevant customer benefits in relation to the holding of the relevant land concerned. 40
- (5) An undertaking under this section –
- (a) shall come into force when accepted;
 - (b) may be varied or superseded by another undertaking; and
 - (c) may be released by ORP.

- (6) ORP shall, as soon as reasonably practicable, consider any representations received by them in relation to varying or releasing an undertaking under this section.

11 Duty of local authority following reference under section 9

- (1) The Town and Country Planning Act 1990 (c. 8) is amended as follows. 5
- (2) In section 226 (compulsory acquisition of land for development and other planning purposes) after subsection (1)(b) insert “; or
(c) the authority have received a reference from the Office for Retail Development under section 9 of the Retail Development Act 2008 specifying that the land concerned should be so acquired.” 10
- (3) In section 231 (power of Secretary of State to require acquisition or development of land) after subsection (1) insert –
- “(1A) If, in the opinion of the Secretary of State, a local authority have failed to take steps for the acquisition of relevant land following a reference from the Office for Retail Development under section 9 of the Retail Development Act 2008, he may by order require the authority to take such steps as may be specified in the order for acquiring the land.” 15

12 Class three developments: impact assessments

- (1) This section applies where a local planning authority receives a request for planning permission relating to a class three retail premises. 20
- (2) The local authority must refer the request to ORP which, subject to subsection (3), must either –
- (a) carry out and publish an assessment of the likely impact of granting the planning permission; or 25
- (b) publish a statement setting out their reasons for thinking that it is unnecessary for them to carry out an assessment.
- (3) An impact assessment must be carried out in each case where it is proposed to build class three retail premises on land which was, at the time of making the request for planning permission – 30
- (a) undeveloped;
- (b) residential; or
- (c) used for class one retail premises.
- (4) An assessment carried out under this section may take such form as ORP consider appropriate. 35
- (5) Where ORP publish an assessment under this section the local planning authority must –
- (a) provide an opportunity of making representations to that authority about the request for planning permission to members of the public and other persons who, in the authority’s opinion, are likely to be affected to a significant extent by its grant; 40
- (b) publish a statement setting out how representations may be made; and
- (c) not grant planning permission unless the period for making representations about the request has expired and they have considered all the representations that were made in that period. 45

13 Duties to review regulatory burdens

- (1) ORP must keep the carrying out of their functions under review with a view to securing that regulation by ORP does not involve –
 - (a) the imposition of burdens which are unnecessary; or
 - (b) the maintenance of burdens which have become unnecessary. 5
- (2) In reviewing their functions under this section it shall be the duty of ORP –
 - (a) to have regard to the extent to which the matters which they are required under section 5 to further or to secure are already furthered or secured, or are likely to be furthered or secured, by effective self-regulation; and 10
 - (b) in the light of that, to consider to what extent it would be appropriate to remove or reduce regulatory burdens imposed by ORP.
- (3) In determining for the purposes of this section whether procedures for self-regulation are effective ORP must consider –
 - (a) whether those procedures are administered by a person who is sufficiently independent of the persons who may be subject to the procedures; and 15
 - (b) whether adequate arrangements are in force for funding the activities of that person in relation to those procedures.
- (4) ORP must, from time to time, publish a statement setting out how they propose, during the period for which the statement is made, to secure that regulation by ORP does not involve the imposition or maintenance of unnecessary burdens. 20
- (5) The first statement to be published under this section –
 - (a) must be published as soon as practicable after the commencement of this section; and 25
 - (b) shall be a statement for the period of twelve months beginning with the day of its publication.
- (6) A subsequent statement –
 - (a) must be published during the period to which the previous statement related; and 30
 - (b) must be a statement for the period of twelve months beginning with the end of the previous period.
- (7) It shall be the duty of ORP, in carrying out their functions at times during a period for which a statement is in force under this section, to have regard to that statement. 35
- (8) ORP may, if they think fit, revise a statement under this section at any time before or during the period for which it is made.
- (9) Where ORP revise a statement, they must publish the revision as soon as practicable. 40
- (10) The publication under this section of a statement, or of a revision of a statement, must be in such manner as ORP consider appropriate for bringing it to the attention of the persons who, in their opinion, are likely to be affected by the matters to which it relates.

PART 3

RETAIL DEVELOPMENT PLANS

14 Retail development plan

- (1) Each local planning authority must prepare and maintain a plan to be known as their retail development plan. 5
- (2) The plan must specify –
 - (a) the geographical area to which the plan is to relate;
 - (b) whether the plan has been prepared jointly with one or more other local planning authorities;
 - (c) such other matters as are prescribed. 10
- (3) The local planning authority must prepare the plan in accordance with such other requirements as are prescribed.
- (4) The local planning authority must revise their retail development plan –
 - (a) at such time as they consider appropriate;
 - (b) when directed to do so by the Office of Retail Planning. 15
- (5) Subsections (2) and (3) apply to the revision of a plan as they apply to the preparation of the plan.

15 Provision for different classes of retail premises

- (1) A retail development plan must make provision for the three classes of retail premises defined in section 2. 20
- (2) The retail development plan may provide for different conditions to be attached to the grant of planning permission for retail premises falling within each class.
- (3) In determining whether to grant planning permission for the development of retail premises of a particular class the local authority must take account of the existence of other retail premises of the same class in the local area. 25
- (4) Before granting planning permission for a class three premises, the local authority must consult those living in, and owning other retail premises within, the local area.
- (5) In subsection (4) it shall be for the local authority to determine the area in which consultation is necessary, but that area must include all residents and premises within five miles of the proposed development. 30
- (6) The Secretary of State may by regulations make provision for the procedures to be followed for any consultation under subsection (4).

16 Retail development plans: matters to be addressed 35

- (1) In preparing or revising a retail development plan under section 14 a local planning authority must make provision with regard to the following –
 - (a) the types and classes of retail premises within –
 - (i) the overall geographical area covered by the plan;
 - (ii) specific localities as determined by the local planning authority; 40

- (b) the need to maintain diversity within the local retail sector;
 - (c) the need to maintain competition within the local retail sector;
 - (d) the need to maintain, where applicable, the traditional character of specific retail localities; and
 - (e) the needs of the local community. 5
- (2) Notwithstanding the following provisions of this Part, it shall be for the local planning authority alone to determine –
- (a) whether a specific retail locality has a traditional character, and of what type; and
 - (b) the needs of the local community. 10
- (3) In preparing or revising a retail development plan, the authority must take into consideration the impact of different types and classes of retail premises on –
- (a) the circulation of money in the local economy;
 - (b) the provision of employment within the area covered by the plan;
 - (c) the environment (both local and otherwise); and 15
 - (d) the provision of local and community services.
- (4) For the purposes of this section, a reference to the traditional character of a specific retail locality is a reference to –
- (a) the proliferation of a specific type of retail business within a specific locality; or 20
 - (b) a particular design or external appearance adopted by the majority of retail premises within a specific locality.

17 Independent examination

- (1) The local planning authority must submit every retail development plan to the Office for Retail Planning (ORP) for independent examination. 25
- (2) But the authority must not submit a plan unless –
- (a) they have complied with any relevant requirements contained in regulations under this Part, and
 - (b) they think the plan is ready for independent examination.
- (3) The authority must also send to ORP (in addition to the plan) such other documents (or copies of documents) and such information as is prescribed. 30
- (4) The examination must be carried out by a person appointed by ORP.
- (5) The purpose of an independent examination is to determine in respect of the retail development plan –
- (a) whether it satisfies the requirements of sections 14 to 16 and any regulations under this Part relating to the preparation of the plan; 35
 - (b) whether it is sound.
- (6) Any person who makes representations seeking to change a retail development plan must (if he so requests) be given the opportunity to appear before and be heard by the person carrying out the examination. 40
- (7) The person appointed to carry out the examination must –
- (a) make recommendations;
 - (b) give reasons for the recommendations.

- (8) The local planning authority must publish the recommendations and the reasons.

18 Intervention by ORP

- (1) If ORP think that a retail development plan is unsatisfactory –
- (a) they may at any time before the document is adopted under section 20 direct the local planning authority to modify the plan in accordance with the direction; 5
 - (b) if they give such a direction they must state their reasons for doing so.
- (2) The authority –
- (a) must comply with the direction; 10
 - (b) must not adopt the plan unless ORP give notice that they are satisfied that the authority have complied with the direction.
- (3) But subsection (2) does not apply if ORP withdraw the direction.
- (4) At any time before a retail development plan is adopted by the local planning authority ORP may direct that the plan (or any part of it) is submitted to them for their approval. 15
- (5) The following paragraphs apply if ORP give a direction under subsection (4) –
- (a) the authority must not take any step in connection with the adoption of the plan until ORP give their decision;
 - (b) if the direction is given before the authority have submitted the plan under section 17(1) ORP must hold an independent examination and section 17(4) to (7) applies accordingly; 20
 - (c) if the direction is given after the authority have submitted the plan but before the person appointed to carry out the examination has made his recommendations he must make his recommendations to ORP; 25
 - (d) the plan has no effect unless it or (if the direction relates to only part of a plan) the part has been approved by ORP.
- (6) ORP must publish the recommendations made to them by virtue of subsection (5)(b) or (c) and the reasons of the person making the recommendations.
- (7) In considering a plan or part of a plan submitted under subsection (4) ORP may take account of any matter which it thinks is relevant. 30
- (8) It is immaterial whether any such matter was taken account of by the authority.
- (9) In relation to a plan or part of a plan submitted to it under subsection (4) ORP –
- (a) may approve, approve subject to specified modifications or reject the plan or part; 35
 - (b) must give their reasons for their decision under paragraph (a).

19 Withdrawal of retail development plan

- (1) A local planning authority may at any time before a local development plan is adopted under section 20 withdraw the plan.
- (2) But subsection (1) does not apply to a development plan at any time after the plan has been submitted for independent examination under section 17 unless – 40

- (a) the person carrying out the examination recommends that the plan is withdrawn and that recommendation is not overruled by a direction given by ORP, or
- (b) ORP direct that the plan must be withdrawn.

20 Adoption of retail development plan 5

- (1) The local planning authority must adopt a retail development plan as originally prepared if the person appointed to carry out the independent examination of the plan recommends that the plan as originally prepared is adopted.
- (2) The authority must adopt a retail development plan with modifications if the person appointed to carry out the independent examination of the plan recommends the modifications. 10
- (3) A plan is adopted for the purposes of this section if it is adopted by a resolution of the authority.

21 Conformity with local development plans and regional plans 15

- (1) The retail development plan must be in general conformity with –
 - (a) the local development scheme adopted under section 15 of the Planning and Compulsory Purchase Act 2004 (c. 5);
 - (b) the regional spatial strategy adopted under section 1 of the Planning and Compulsory Purchase Act 2004 (if the local planning authority are in a region other than London); 20
 - (c) the spatial development strategy adopted under Part 8 of the Greater London Authority Act 1999 (c. 29) (if the local planning authority are a London borough).
- (2) A local planning authority must request the opinion in writing of the Secretary of State as to the general conformity of a local retail development plan with the local development scheme. 25
- (3) A local planning authority whose area in is a region other than London must request the opinion in writing of the regional planning body as to the general conformity of a retail development plan with the regional spatial strategy. 30
- (4) Not later than the end of the period prescribed for the purposes of this section the regional planning body must send its opinion to –
 - (a) the Secretary of State;
 - (b) the local planning authority.
- (5) A local planning authority which are a London borough must request the opinion in writing of the Mayor of London as to the general conformity of a retail development plan with the spatial development strategy. 35
- (6) If in the opinion of the Secretary of State a plan is not in general conformity with the local development scheme, the Secretary of State shall direct that modifications (whether specified or not) shall be made to the plan to bring it into general conformity with the scheme. 40
- (7) If in the opinion of the regional planning body a plan is not in general conformity with the regional spatial strategy the regional planning body must be taken to have made representation seeking a change to the document.

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- (8) If in the opinion of the Mayor a plan is not in general conformity with the spatial development strategy the Mayor must be taken to have made representations seeking a change to the document.
- (9) But the Secretary of State may in any case direct that subsection (7) must be ignored. 5
- (10) If at any time no body is recognised as the regional planning body under section 2 of the Planning and Compulsory Purchase Act 2004 (c. 5) the functions of the regional planning body under this section must be exercised by the Secretary of State and subsections (4)(a), (7) and (9) of this section must be ignored. 10
- 22 Secretary of State’s default power**
- (1) This section applies if the Secretary of State thinks that a local planning authority or ORP are failing or omitting to do anything it is necessary for them to do in connection with the preparation, revision, adoption or examination of a retail development plan. 15
- (2) The Secretary of State must hold an independent examination and section 17(4) to (7) applies as if references to ORP in that section were references to the Secretary of State.
- (3) The Secretary of State must publish the recommendations and reasons of the person appointed to hold the examination. 20
- (4) The Secretary of State may prepare or revise (as the case may be) the retail development plan.
- (5) The Secretary of State must give reasons for anything he does in pursuance of subsection (4).
- (6) The authority or ORP as appropriate must reimburse the Secretary of State for any expenditure he incurs in connection with anything – 25
- (a) which is done by him under subsection (4), and
 - (b) which the authority or ORP failed or omitted to do as mentioned in subsection (1).
- 23 Joint retail development plans** 30
- (1) Two or more local planning authorities may agree to prepare a joint retail development plan.
- (2) This Part applies for the purposes of any step which may be or is required to be taken in relation to a joint retail development plan as it applies for the purposes of any step which may be or is required to be taken in relation to a retail development plan. 35
- (3) For the purposes of subsection (2) anything which must be done by or in relation to a local planning authority in connection with a retail development plan must be done by or in relation to each of the authorities mentioned in subsection (1) in connection with a joint retail development plan. 40
- (4) Any requirement of this Part in relation to the regional spatial strategy is a requirement in relation to the regional spatial strategy for the region in which each authority mentioned in subsection (1) is situated.

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- (5) If the authorities mentioned in subsection (1) include one or more London boroughs the requirements of this Part in relation to the spatial development strategy also apply.
- (6) Subsections (7) to (9) apply if a local planning authority withdraw from an agreement mentioned in subsection (1). 5
- (7) Any step taken in relation to the plan must be treated as a step taken by –
(a) an authority which were a party to the agreement for the purposes of any corresponding plan prepared by them;
(b) two or more other authorities who were parties to the agreement for the purposes of any corresponding joint retail development plan. 10
- (8) Any independent examination of a joint retail development plan to which the agreement relates must be suspended.
- (9) If before the end of the period prescribed for the purposes of this subsection an authority which were a party to the agreement request ORP to do so they may direct that – 15
(a) the examination is resumed in relation to the corresponding plan;
(b) any step taken for the purposes of the suspended examination has effect for the purposes of the resumed examination.
- (10) The Secretary of State may by regulations make provision as to what is a corresponding plan. 20

24 Urban development corporations

The Secretary of State may direct that this Part does not apply to the area of an urban development corporation.

25 Guidance

In the exercise of any function conferred under or by virtue of this Part the local planning authority must have regard to any guidance issued by the Secretary of State or ORP. 25

26 Annual monitoring report

- (1) Every local planning authority must make an annual report to the Secretary of State. 30
- (2) The annual report must contain such information as is prescribed as to –
(a) the implementation of the retail development plan;
(b) the extent to which the policies set out in the retail development plan are being achieved.
- (3) The annual report must – 35
(a) be in respect of such period of 12 months as is prescribed;
(b) be made at such time as is prescribed;
(c) be in such form as is prescribed;
(d) contain such other matter as is prescribed.

27 Regulations relating to retail development plans

- (1) The Secretary of State may by regulations make provision in connection with the exercise by any person of functions under this Part.
- (2) The regulations may in particular make provision as to—
- (a) the procedure to be followed by the local planning authority in the preparation of the retail development plan; 5
 - (b) requirements about the giving of notice and publicity;
 - (c) requirements about inspection by the public of a retail development plan or any related document;
 - (d) the nature and extent of consultation with an participation by the public in anything done under this Part; 10
 - (e) the making of representations about any matter to be included in a retail development plan;
 - (f) consideration of any such representations;
 - (g) the remuneration and allowances payable to a person appointed to carry out an independent examination under section 17; 15
 - (h) the determination of the time at which anything must be done for the purposes of this Part;
 - (i) the manner of publication of any draft, report or other document published under this Part; 20
 - (j) monitoring the exercise by local planning authorities of their functions under this Part;
 - (k) the making of reasonable charges for the provision of copies of documents required by or under this Part.

28 Interpretation of Part 3 25

- (1) “Retail development plan” must be construed in accordance with section 14.
- (2) Local planning authorities are—
- (a) district councils;
 - (b) London borough councils;
 - (c) metropolitan district councils; 30
 - (d) county councils in relation to any area in England for which there is no district council;
 - (e) the Broads Authority.
- (3) A National Park authority is the local planning authority for the whole of its area and subsection (2) must be construed subject to that. 35
- (4) This section applies for the purposes of this Part.

PART 4

GENERAL

29 Regulations

- (1) Any matter to be prescribed under this Act must be prescribed in regulations made by the Secretary of State. 40

- (2) Any power of the Secretary of State to make regulations under this Act is exercisable by statutory instrument.
- (3) Any power of the Secretary of State to make regulations under this Act includes power to make such transitional, incidental or supplemental provision as the Secretary of State considers appropriate. 5
- (4) Except where otherwise provided, regulations made by the Secretary of State under this Act are subject to annulment in pursuance of a resolution of either House of Parliament.

30 Short title, commencement and extent

- (1) This Act may be cited as the Retail Development Act 2008. 10
- (2) This Act extends to England and Wales.
- (3) This Act shall come into force at the end of a period of three months beginning with the day on which this Act is passed.

Retail Development Bill [HL]

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B I L L

To provide support for small retail premises; to establish the Office for Retail Planning; to make provision about retail planning and development; and for connected purposes.

Lord Cotter

Ordered to be Printed, 22nd January 2008

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Printed in the United Kingdom by
The Stationery Office Limited
£x.xx

HL Bill 23

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