



# Planning and Compulsory Purchase Act 2004

## 2004 CHAPTER 5

### PART 2

#### LOCAL DEVELOPMENT

##### **Modifications etc. (not altering text)**

- C1** Pt. 2 modified (temp.) (28.11.2008) by [Local Government \(Structural Changes\) \(Transitional Arrangements\) \(No.2\) Regulations 2008 \(S.I. 2008/2867\)](#), regs. 1(1), **21(1)**, 23(2) (with reg. 1(2))

#### *Survey*

### **13 Survey of area**

- (1) The local planning authority must keep under review the matters which may be expected to affect the development of their area or the planning of its development.
- (2) These matters include—
  - (a) the principal physical, economic, social and environmental characteristics of the area of the authority;
  - (b) the principal purposes for which land is used in the area;
  - (c) the size, composition and distribution of the population of the area;
  - (d) the communications, transport system and traffic of the area;
  - (e) any other considerations which may be expected to affect those matters;
  - (f) such other matters as may be prescribed or as the Secretary of State (in a particular case) may direct.
- (3) The matters also include—
  - (a) any changes which the authority think may occur in relation to any other matter;

*Status: Point in time view as at 15/01/2012.*

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- (b) the effect such changes are likely to have on the development of the authority's area or on the planning of such development.
- (4) The local planning authority may also keep under review and examine the matters mentioned in subsections (2) and (3) in relation to any neighbouring area to the extent that those matters may be expected to affect the area of the authority.
- (5) In exercising a function under subsection (4) a local planning authority must consult with the local planning authority for the neighbouring area in question.
- (6) If a neighbouring area is in Wales references to the local planning authority for that area must be construed in accordance with Part 6.

#### Commencement Information

- I1** S. 13 in force at 6.8.2004 for specified purposes by [S.I. 2004/2097](#), [art. 2](#)
- I2** S. 13 in force at 28.9.2004 for E. so far as not already in force by [S.I. 2004/2202](#), [art. 2\(b\)](#)

## 14 Survey of area: county councils

- (1) A county council in respect of so much of their area for which there is a district council must keep under review the matters which may be expected to affect development of that area or the planning of its development in so far as the development relates to a county matter.
- (2) Subsections (2) to (6) of section 13 apply for the purposes of subsection (1) as they apply for the purposes of that section; and references to the local planning authority must be construed as references to the county council.
- (3) The Secretary of State may by regulations require or (in a particular case) may direct a county council to keep under review in relation to so much of their area as is mentioned in subsection (1) such of the matters mentioned in section 13(1) to (4) as he prescribes or directs (as the case may be).
- (4) For the purposes of subsection (3)—
  - (a) it is immaterial whether any development relates to a county matter;
  - (b) if a matter which is prescribed or in respect of which the Secretary of State gives a direction falls within section 13(4) the county council must consult the local planning authority for the area in question.
- (5) The county council must make available the results of their review under subsection (3) to such persons as the Secretary of State prescribes or directs (as the case may be).
- (6) References to a county matter must be construed in accordance with paragraph 1 of Schedule 1 to the principal Act (ignoring sub-paragraph (1)(i)).

#### Commencement Information

- I3** S. 14 in force at 6.8.2004 for specified purposes by [S.I. 2004/2097](#), [art. 2](#)
- I4** S. 14 in force at 28.9.2004 for E. so far as not already in force by [S.I. 2004/2202](#), [art. 2\(b\)](#)

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## *Development schemes*

### **15 Local development scheme**

- (1) The local planning authority must prepare and maintain a scheme to be known as their local development scheme.
- (2) The scheme must specify—
  - <sup>F1</sup>(a) .....
  - <sup>F2</sup>(aa) the local development documents which are to be development plan documents;
  - (b) the subject matter and geographical area to which each [<sup>F3</sup> development plan document ] is to relate;
  - <sup>F4</sup>(c) .....
  - (d) which [<sup>F5</sup> development plan documents ] (if any) are to be prepared jointly with one or more other local planning authorities;
  - (e) any matter or area in respect of which the authority have agreed (or propose to agree) to the constitution of a joint committee under section 29;
  - (f) the timetable for the preparation and revision of the [<sup>F6</sup> development plan documents ];
  - (g) such other matters as are prescribed.
- <sup>F7</sup>(3) .....
- (4) The Secretary of State [<sup>F8</sup> or the Mayor of London ] may direct the local planning authority to make such amendments to the scheme as he thinks appropriate [<sup>F9</sup> for the purpose of ensuring effective coverage of the authority's area by the development plan documents (taken as a whole) for that area ].
- <sup>F10</sup>(4A) The Mayor of London—
  - (a) may give a direction under subsection (4) only if the local planning authority are a London borough, and
  - (b) in considering whether to give such a direction, and which amendments to include in the direction, must have regard to any guidance issued by the Secretary of State.]
- (5) [<sup>F11</sup>A direction under subsection (4)] must contain the Secretary of State's [<sup>F12</sup>, or (as the case may be) the Mayor of London's,] reasons for giving it.
- (6) The local planning authority must comply with a direction given under subsection (4). [<sup>F13</sup>In the case of a direction given by the Mayor of London, this subsection is subject to subsections (6A) to (6E). ]
- <sup>F14</sup>(6A) If at any time the Mayor of London gives a direction under subsection (4)—
  - (a) he must at that time send a copy of the direction to the Secretary of State, and
  - (b) [<sup>F15</sup> effect is not to be given to the direction ] until such time as may be prescribed.
- (6B) The Secretary of State may, within such time as may be prescribed, direct the local planning authority—
  - (a) to disregard a direction given under subsection (4) by the Mayor of London, or
  - (b) to give effect to the direction with such modifications as may be specified in the Secretary of State's direction.

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- (6C) Such a direction must contain the Secretary of State's reasons for giving it.
- (6D) If at any time the Secretary of State gives a direction under subsection (6B), the Secretary of State must at that time send a copy of the direction to the Mayor of London.
- (6E) The local planning authority must comply with any direction given by the Secretary of State under subsection (6B).]
- [<sup>F16</sup>(7) To bring the scheme into effect, the local planning authority must resolve that the scheme is to have effect and in the resolution specify the date from which the scheme is to have effect.]
- (8) The local planning authority must revise their local development scheme—
- (a) at such time as they consider appropriate;
  - (b) when directed to do so by the Secretary of State<sup>F17</sup> or the Mayor of London ]. [<sup>F18</sup>In the case of a direction given by the Mayor of London, paragraph (b) is subject to subsections (8B) to (8F). ]
- [<sup>F19</sup>(8A) The Mayor of London—
- (a) may give a direction under subsection (8) only if the local planning authority are a London borough, and
  - (b) in considering whether to give such a direction, must have regard to any guidance issued by the Secretary of State.
- [ A direction may be given under subsection (8)(b) only if the person giving the direction
- <sup>F20</sup>(8AA) thinks that revision of the scheme is necessary for the purpose of ensuring effective coverage of the authority's area by the development plan documents (taken as a whole) for that area.]
- (8B) If at any time the Mayor of London gives a direction under subsection (8)(b)—
- (a) he must at that time send a copy of the direction to the Secretary of State, and
  - (b) the scheme is not to be revised until such time as may be prescribed.
- (8C) The Secretary of State may, within such time as may be prescribed, direct the local planning authority to disregard a direction given under subsection (8)(b) by the Mayor of London.
- (8D) Such a direction must contain the Secretary of State's reasons for giving it.
- (8E) If at any time the Secretary of State gives a direction under subsection (8C), the Secretary of State must at that time send a copy of the direction to the Mayor of London.
- (8F) The local planning authority must comply with any direction given by the Secretary of State under subsection (8C).]
- (9) Subsections (2) to (7) apply to the revision of a scheme as they apply to the preparation of the scheme.
- [<sup>F21</sup>(9A) The local planning authority must make the following available to the public—
- (a) the up-to-date text of the scheme,
  - (b) a copy of any amendments made to the scheme, and
  - (c) up-to-date information showing the state of the authority's compliance (or non-compliance) with the timetable mentioned in subsection (2)(f).]

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[<sup>F22</sup>(10) Section 38(1) of the Greater London Authority Act 1999 (delegation of functions by the Mayor) does not apply to the Mayor of London's functions under this section of giving a direction.]

#### Textual Amendments

- F1** S. 15(2)(a) repealed (6.4.2009) by [Planning Act 2008 \(c. 29\)](#), ss. 180(2)(a), 241(8), [Sch. 13](#) (with s. 226); [S.I. 2009/400](#), art. 3(e)(o), [Sch. Pt. 1](#)
- F2** S. 15(2)(aa) inserted (6.4.2009) by [Planning Act 2008 \(c. 29\)](#), [ss. 180\(2\)\(b\)](#), 241(8) (with s. 226); [S.I. 2009/400](#), art. 3(e)
- F3** Words in s. 15(2)(b) substituted (6.4.2009) by [Planning Act 2008 \(c. 29\)](#), [ss. 180\(2\)\(c\)](#), 241(8) (with s. 226); [S.I. 2009/400](#), art. 3(e)
- F4** S. 15(2)(c) repealed (6.4.2009) by [Planning Act 2008 \(c. 29\)](#), ss. 180(2)(d), 241(8), [Sch. 13](#) (with s. 226); [S.I. 2009/400](#), art. 3(e)(o), [Sch. Pt. 1](#)
- F5** Words in s. 15(2)(d) substituted (6.4.2009) by [Planning Act 2008 \(c. 29\)](#), [ss. 180\(2\)\(e\)](#), 241(8) (with s. 226); [S.I. 2009/400](#), art. 3(e)
- F6** Words in s. 15(2)(f) substituted (6.4.2009) by [Planning Act 2008 \(c. 29\)](#), [ss. 180\(2\)\(e\)](#), 241(8) (with s. 226); [S.I. 2009/400](#), art. 3(e)
- F7** S. 15(3) repealed (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), ss. 111(2), 240(1)(h), [Sch. 25 Pt. 17](#) (with s. 144)
- F8** Words in s. 15(4) inserted (23.10.2007 for specified purposes, 27.6.2008 in so far as not already in force) by [Greater London Authority Act 2007 \(c. 24\)](#), [ss. 30\(4\)](#), 59(4)(b); [S.I. 2008/1372](#), art. 2 (with art. 3)
- F9** Words in s. 15(4) inserted (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), [ss. 111\(3\)](#), 240(1)(h) (with s. 144)
- F10** S. 15(4A) inserted (23.10.2007 for specified purposes, 27.6.2008 in so far as not already in force) by [Greater London Authority Act 2007 \(c. 24\)](#), [ss. 30\(5\)](#), 59(4)(b); [S.I. 2008/1372](#), art. 2 (with art. 3)
- F11** Words in s. 15(5) substituted (23.10.2007 for specified purposes, 27.6.2008 in so far as not already in force) by [Greater London Authority Act 2007 \(c. 24\)](#), [ss. 30\(6\)\(a\)](#), 59(4)(b); [S.I. 2008/1372](#), art. 2 (with art. 3)
- F12** Words in s. 15(5) inserted (23.10.2007 for specified purposes, 27.6.2008 in so far as not already in force) by [Greater London Authority Act 2007 \(c. 24\)](#), [ss. 30\(6\)\(b\)](#), 59(4)(b); [S.I. 2008/1372](#), art. 2 (with art. 3)
- F13** Words in s. 15(6) inserted (23.10.2007 for specified purposes, 27.6.2008 in so far as not already in force) by [Greater London Authority Act 2007 \(c. 24\)](#), [ss. 30\(7\)](#), 59(4)(b); [S.I. 2008/1372](#), art. 2 (with art. 3)
- F14** S. 15(6A)-(6E) inserted (23.10.2007 for specified purposes, 27.6.2008 in so far as not already in force) by [Greater London Authority Act 2007 \(c. 24\)](#), [ss. 30\(8\)](#), 59(4)(b); [S.I. 2008/1372](#), art. 2 (with art. 3)
- F15** Words in s. 15(6A)(b) substituted (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), [ss. 111\(4\)](#), 240(1)(h) (with s. 144)
- F16** S. 15(7) substituted (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), [ss. 111\(5\)](#), 240(1)(h) (with s. 144)
- F17** Words in s. 15(8)(b) inserted (23.10.2007 for specified purposes, 27.6.2008 in so far as not already in force) by [Greater London Authority Act 2007 \(c. 24\)](#), [ss. 30\(9\)\(a\)](#), 59(4)(b); [S.I. 2008/1372](#), art. 2 (with art. 3)
- F18** Words in s. 15(8) inserted (23.10.2007 for specified purposes, 27.6.2008 in so far as not already in force) by [Greater London Authority Act 2007 \(c. 24\)](#), [ss. 30\(9\)\(b\)](#), 59(4)(b); [S.I. 2008/1372](#), art. 2 (with art. 3)
- F19** S. 15(8A)-(8F) inserted (23.10.2007 for specified purposes, 27.6.2008 in so far as not already in force) by [Greater London Authority Act 2007 \(c. 24\)](#), [ss. 30\(10\)](#), 59(4)(b); [S.I. 2008/1372](#), art. 2 (with art. 3)
- F20** S. 15(8AA) inserted (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), [ss. 111\(6\)](#), 240(1)(h) (with s. 144)
- F21** S. 15(9A) inserted (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), [ss. 111\(7\)](#), 240(1)(h) (with s. 144)
- F22** S. 15(10) inserted (23.10.2007 for specified purposes, 27.6.2008 in so far as not already in force) by [Greater London Authority Act 2007 \(c. 24\)](#), [ss. 30\(11\)](#), 59(4)(b); [S.I. 2008/1372](#), art. 2 (with art. 3)

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#### Modifications etc. (not altering text)

- C2** S. 15 applied (with modifications) (7.7.2005) by [North Northamptonshire Joint Committee Order 2005 \(S.I. 2005/1552\)](#), arts. 1(2), **4(2)**
- C3** S. 15 applied (with modifications) (25.7.2008) by [West Northamptonshire Joint Committee Order 2008 \(S.I. 2008/1572\)](#), arts. 1, **4(2)**
- C4** S. 15 modified (28.11.2008) by [Local Government \(Structural Changes\) \(Transitional Arrangements\) \(No.2\) Regulations 2008 \(S.I. 2008/2867\)](#), regs. 1(1), **22** (with regs. 1(2), 22(2))
- C5** S. 15 applied (with modifications) (1.7.2009) by [Cambridge City Fringes Joint Committee Order 2009 \(S.I. 2009/1254\)](#), arts. 1, **4(2)**
- C6** S. 15 applied (with modifications) (24.3.2010) by [The South Downs National Park Authority \(Establishment\) Order 2010 \(S.I. 2010/497\)](#), art. 1, **Sch. 3 para. 12**
- C7** S. 15 applied (with modifications) (5.7.2011) by [The South East Lincolnshire Joint Strategic Planning Committee Order 2011 \(S.I. 2011/1455\)](#), arts. 1, **4(2)**

#### Commencement Information

- I5** S. 15 in force at 6.8.2004 for specified purposes by [S.I. 2004/2097](#), **art. 2**
- I6** S. 15 in force at 28.9.2004 for E. so far as not already in force by [S.I. 2004/2202](#), **art. 2(b)**

## 16 Minerals and waste development scheme

- (1) A county council in respect of any part of their area for which there is a district council must prepare and maintain a scheme to be known as their minerals and waste development scheme.
- (2) Section 15 (ignoring subsections (1) and (2)(e)) applies in relation to a minerals and waste development scheme as it applies in relation to a local development scheme.
- (3) This Part applies to a minerals and waste development scheme as it applies to a local development scheme and for that purpose—
  - (a) references to a local development scheme include references to a minerals and waste development scheme;
  - (b) references to a local planning authority include references to a county council.
- (4) But subsection (3) does not apply to—
  - (a) section 17(3);
  - (b) section 24(1)(b), (4) and (7);
  - (c) the references in section 24(5) to subsection (4) and the Mayor;
  - (d) sections 29 to 31.

[<sup>F23</sup>(5) Also, subsection (3)(b) does not apply to section 33A(1)(a) and (b).]

#### Textual Amendments

- F23** S. 16(5) inserted (15.11.2011) by [Localism Act 2011 \(c. 20\)](#), **ss. 110(2)**, 240(5)(i) (with s. 144)

#### Commencement Information

- I7** S. 16 in force at 6.8.2004 for specified purposes by [S.I. 2004/2097](#), **art. 2**
- I8** S. 16 in force at 28.9.2004 for E. so far as not already in force by [S.I. 2004/2202](#), **art. 2(b)**

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## Documents

### 17 Local development documents

- <sup>F24</sup>(1) .....
- <sup>F24</sup>(2) .....
- (3) [<sup>F25</sup>The local planning authority's local development documents ] must (taken as a whole) set out the authority's policies (however expressed) relating to the development and use of land in their area.
- (4) In the case of the documents which are included in a minerals and waste development scheme they must also (taken as a whole) set out the authority's policies (however expressed) [<sup>F26</sup>Where a county council is required to prepare a minerals and waste development scheme in respect of an area, the council's local development documents must (taken as a whole) set out the council's policies (however expressed) for that area ] within the meaning of paragraph 1 of Schedule 1 to the principal Act (ignoring subparagraph (1)(i)).
- (5) If to any extent a policy set out in a local development document conflicts with any other statement or information in the document the conflict must be resolved in favour of the policy.
- (6) The authority must keep under review their local development documents having regard to the results of any review carried out under section 13 or 14.
- (7) Regulations under this section may prescribe—
- [<sup>F27</sup>(za) which descriptions of documents are, or if prepared are, to be prepared as local development documents;]
- (a) which descriptions of local development documents are development plan documents;
- (b) the form and content of the local development documents;
- (c) the time at which any step in the preparation of any such document must be taken.
- (8) A document is a local development document only in so far as it or any part of it—
- (a) is adopted by resolution of the local planning authority as a local development document;
- (b) is approved by the Secretary of State under section 21 or 27.

#### Textual Amendments

- F24** S. 17(1)(2) repealed (6.4.2009) by [Planning Act 2008 \(c. 29\)](#), ss. 180(3)(a), 241(8), [Sch. 13](#) (with s. 226); S.I. 2009/400, art. 3(e)(o), [Sch. Pt. 1](#)
- F25** Words in s. 17(3) substituted (6.4.2009) by [Planning Act 2008 \(c. 29\)](#), [ss. 180\(3\)\(b\)](#), 241(8) (with s. 226); S.I. 2009/400, art. 3(e)
- F26** Words in s. 17(4) substituted (6.4.2009) by [Planning Act 2008 \(c. 29\)](#), [ss. 180\(3\)\(c\)](#), 241(8) (with s. 226); S.I. 2009/400, art. 3(e)
- F27** S. 17(7)(za) inserted (6.4.2009) by [Planning Act 2008 \(c. 29\)](#), [ss. 180\(3\)\(d\)](#), 241(8) (with s. 226); S.I. 2009/400, art. 3(e)

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**Modifications etc. (not altering text)**

**C8** S. 17(3) modified (1.4.2010) by [The Conservation of Habitats and Species Regulations 2010 \(S.I. 2010/490\)](#), regs. 1(2), **39(1)(a)** (with reg. 125)

**Commencement Information**

**I9** S. 17 in force at 6.8.2004 for specified purposes by [S.I. 2004/2097](#), **art. 2**

**I10** S. 17 in force at 28.9.2004 for E. so far as not already in force by [S.I. 2004/2202](#), **art. 2(b)**

**18 Statement of community involvement**

- (1) The local planning authority must prepare a statement of community involvement.
- (2) The statement of community involvement is a statement of the authority’s policy as to the involvement in the exercise of the authority’s functions under sections 19, 26 and 28 of this Act and Part 3 of the principal Act of persons who appear to the authority to have an interest in matters relating to development in their area.

[<sup>F28</sup>(2A) The reference in subsection (2) to functions under Part 3 of the principal Act does not include functions under any provision of that Act relating to neighbourhood development orders (including any function under any of sections 61F to 61H of that Act).]

[<sup>F29</sup>(3) For the purposes of this Part (except sections 19(2) and 24) the statement of community involvement is a local development document.

This is subject to section 17(8).]

[<sup>F30</sup>(3A) The statement of community involvement must not be specified as a development plan document in the local development scheme.]

<sup>F31</sup>(4) .....

<sup>F31</sup>(5) .....

<sup>F31</sup>(6) .....

**Textual Amendments**

**F28** S. 18(2A) inserted (15.11.2011 for specified purposes) by [Localism Act 2011 \(c. 20\)](#), ss., 240(5)(j), (j), **Sch. 12 para. 28**

**F29** S. 18(3) substituted (6.4.2009) by [Planning Act 2008 \(c. 29\)](#), ss. **180(4)(a)**, 241(8) (with s. 226); [S.I. 2009/400](#), art. 3(e)

**F30** S. 18(3A) inserted (6.4.2009) by [Planning Act 2008 \(c. 29\)](#), ss. **180(4)(b)**, 241(8) (with s. 226); [S.I. 2009/400](#), art. 3(e)

**F31** S. 18(4)-(6) repealed (6.4.2009) by [Planning Act 2008 \(c. 29\)](#), ss. 180(4)(c), 241(8), **Sch. 13** (with s. 226); [S.I. 2009/400](#), art. 3(e)(o), **Sch. Pt. 1**

**Commencement Information**

**I11** S. 18 in force at 28.9.2004 for E. by [S.I. 2004/2202](#), **art. 2(b)**



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## 19 Preparation of local development documents

(1) [<sup>F32</sup> Development plan documents ] must be prepared in accordance with the local development scheme.

[<sup>F33</sup>(1A) Development plan documents must (taken as a whole) include policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change.]

(2) In preparing a local development document the local planning authority must have regard to—

(a) national policies and advice contained in guidance issued by the Secretary of State;

[<sup>F34</sup>(aa) the local development documents which are to be development plan documents;]

(b) [<sup>F35</sup> the regional strategy ] for the region in which the area of the authority is situated, if the area is outside Greater London;

(c) the spatial development strategy if the authority are a London borough or if any part of the authority's area adjoins Greater London;

(d) [<sup>F36</sup> the regional strategy ] for any region which adjoins the area of the authority;

(e) the Wales Spatial Plan if any part of the authority's area adjoins Wales;

(f) the [<sup>F37</sup> sustainable community strategy ] prepared by the authority;

(g) the [<sup>F38</sup> sustainable community strategy ] for any other authority whose area comprises any part of the area of the local planning authority;

(h) any other local development document which has been adopted by the authority;

(i) the resources likely to be available for implementing the proposals in the document;

(j) such other matters as the Secretary of State prescribes.

(3) In preparing the [<sup>F39</sup> local development documents (other than their statement of community involvement) ] the authority must also comply with their statement of community involvement.

(4) But subsection (3) does not apply at any time before the authority have adopted their statement of community involvement.

(5) The local planning authority must also—

(a) carry out an appraisal of the sustainability of the proposals in each [<sup>F40</sup> development plan document];

(b) prepare a report of the findings of the appraisal.

(6) The Secretary of State may by regulations make provision—

(a) as to any further documents which must be prepared by the authority in connection with the preparation of a local development document;

(b) as to the form and content of such documents.

(7) The [<sup>F41</sup> sustainable community strategy ] is the strategy prepared by an authority under section 4 of the Local Government Act 2000 (c. 22).

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### Textual Amendments

- F32** Words in s. 19(1) substituted (6.4.2009) by [Planning Act 2008 \(c. 29\)](#), **ss. 180(5)(a)**, 241(8) (with s. 226); [S.I. 2009/400, art. 3\(e\)](#)
- F33** S. 19(1A) inserted (6.4.2009) by [Planning Act 2008 \(c. 29\)](#), **ss. 182**, 241(8) (with s. 226); [S.I. 2009/400, art. 3\(e\)](#)
- F34** Words in s. 19(2) inserted (6.4.2009) by [Planning Act 2008 \(c. 29\)](#), **ss. 180(5)(b)**, 241(8) (with s. 226); [S.I. 2009/400, art. 3\(e\)](#)
- F35** Words in s. 19(2)(b) substituted (1.4.2010) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), s. 148(5), **Sch. 5 para. 14**; [S.I. 2009/3318, art. 4\(gg\)](#)
- F36** Words in s. 19(2)(d) substituted (1.4.2010) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), s. 148(5), **Sch. 5 para. 14**; [S.I. 2009/3318, art. 4\(gg\)](#)
- F37** Words in s. 19(2)(f) substituted (23.10.2007) by [Sustainable Communities Act 2007 \(c. 23\)](#), **s. 7(1)(2)(b)**
- F38** Words in s. 19(2)(g) substituted (23.10.2007) by [Sustainable Communities Act 2007 \(c. 23\)](#), **s. 7(1)(2)(b)**
- F39** Words in s. 19(3) substituted (6.4.2009) by [Planning Act 2008 \(c. 29\)](#), **ss. 180(5)(c)**, 241(8) (with s. 226); [S.I. 2009/400, art. 3\(e\)](#)
- F40** Words in s. 19(5) substituted (6.4.2009) by [Planning Act 2008 \(c. 29\)](#), **ss. 180(5)(d)**, 241(8) (with s. 226); [S.I. 2009/400, art. 3\(e\)](#)
- F41** Words in s. 19(7) substituted (23.10.2007) by [Sustainable Communities Act 2007 \(c. 23\)](#), **s. 7(1)(2)(b)**

### Commencement Information

- I12** S. 19 in force at 6.8.2004 for specified purposes by [S.I. 2004/2097, art. 2](#)
- I13** S. 19 in force at 28.9.2004 for E. so far as not already in force by [S.I. 2004/2202, art. 2\(b\)](#)

## 20 Independent examination

- (1) The local planning authority must submit every development plan document to the Secretary of State for independent examination.
- (2) But the authority must not submit such a document unless—
  - (a) they have complied with any relevant requirements contained in regulations under this Part, and
  - (b) they think the document is ready for independent examination.
- (3) The authority must also send to the Secretary of State (in addition to the development plan document) such other documents (or copies of documents) and such information as is prescribed.
- (4) The examination must be carried out by a person appointed by the Secretary of State.
- (5) The purpose of an independent examination is to determine in respect of the development plan document—
  - (a) whether it satisfies the requirements of sections 19 and 24(1), regulations under section 17(7) and any regulations under section 36 relating to the preparation of development plan documents;
  - (b) whether it is sound.<sup>[F42]</sup>; and
  - (c) whether the local planning authority complied with any duty imposed on the authority by section 33A in relation to its preparation.]

*Status: Point in time view as at 15/01/2012.*

*Changes to legislation: Planning and Compulsory Purchase Act 2004, Part 2 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(6) Any person who makes representations seeking to change a development plan document must (if he so requests) be given the opportunity to appear before and be heard by the person carrying out the examination.

[<sup>F43</sup>(7) Where the person appointed to carry out the examination—

- (a) has carried it out, and
- (b) considers that, in all the circumstances, it would be reasonable to conclude—
  - (i) that the document satisfies the requirements mentioned in subsection (5)(a) and is sound, and
  - (ii) that the local planning authority complied with any duty imposed on the authority by section 33A in relation to the document's preparation,the person must recommend that the document is adopted and give reasons for the recommendation.

(7A) Where the person appointed to carry out the examination—

- (a) has carried it out, and
- (b) is not required by subsection (7) to recommend that the document is adopted, the person must recommend non-adoption of the document and give reasons for the recommendation.

(7B) Subsection (7C) applies where the person appointed to carry out the examination—

- (a) does not consider that, in all the circumstances, it would be reasonable to conclude that the document satisfies the requirements mentioned in subsection (5)(a) and is sound, but
- (b) does consider that, in all the circumstances, it would be reasonable to conclude that the local planning authority complied with any duty imposed on the authority by section 33A in relation to the document's preparation.

(7C) If asked to do so by the local planning authority, the person appointed to carry out the examination must recommend modifications of the document that would make it one that—

- (a) satisfies the requirements mentioned in subsection (5)(a), and
- (b) is sound.]

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

#### Textual Amendments

- F42** S. 20(5)(c) and word inserted (15.11.2011) by [Localism Act 2011 \(c. 20\)](#), **ss. 110(3)**, 240(5)(i) (with s. 144)
- F43** S. 20(7)-(7C) substituted for s. 20(7) (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), **ss. 112(2)**, 240(1)(h) (with **ss. 112(6)**, 144)

#### Modifications etc. (not altering text)

- C9** S. 20 excluded (28.11.2008) by [Local Government \(Structural Changes\) \(Transitional Arrangements\) \(No.2\) Regulations 2008 \(S.I. 2008/2867\)](#), **regs. 1(1)**, **23(3)** (with **reg. 1(2)**)

#### Commencement Information

- I14** S. 20 in force at 6.8.2004 for specified purposes by [S.I. 2004/2097](#), **art. 2**
- I15** S. 20 in force at 28.9.2004 for E. so far as not already in force by [S.I. 2004/2202](#), **art. 2(b)**

*Status: Point in time view as at 15/01/2012.*

*Changes to legislation: Planning and Compulsory Purchase Act 2004, Part 2 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## 21 Intervention by Secretary of State

- (1) If the Secretary of State thinks that a local development document is unsatisfactory—
    - (a) he may at any time before the document is adopted under section 23 direct the local planning authority to modify the document in accordance with the direction;
    - (b) if he gives such a direction he must state his reasons for doing so.
  - (2) The authority—
    - (a) must comply with the direction;
    - (b) must not adopt the document unless the Secretary of State gives notice that he is satisfied that they have complied with the direction.
  - (3) But subsection (2) does not apply if the Secretary of State withdraws the direction.
  - (4) At any time before a development plan document is adopted by a local planning authority the Secretary of State may direct that the document (or any part of it) is submitted to him for his approval.
  - (5) The following paragraphs apply if the Secretary of State gives a direction under subsection (4)—
    - (a) the authority must not take any step in connection with the adoption of the document until the Secretary of State gives his decision;
    - (b) if the direction is given before the authority have submitted the document under section 20(1) the Secretary of State must hold an independent examination and section 20(4) to (7) applies accordingly;
    - (c) if the direction is given after the authority have submitted the document but before the person appointed to carry out the examination has made his recommendations he must make his recommendations to the Secretary of State;
    - (d) the document has no effect unless it or (if the direction relates to only part of a document) the part has been approved by the Secretary of State.
  - (6) The Secretary of State must publish the recommendations made to him by virtue of subsection (5)(b) or (c) and the reasons of the person making the recommendations.
  - (7) In considering a document or part of a document submitted under subsection (4) the Secretary of State may take account of any matter which he thinks is relevant.
  - (8) It is immaterial whether any such matter was taken account of by the authority.
  - (9) In relation to a document or part of a document submitted to him under subsection (4) the Secretary of State—
    - (a) may approve, approve subject to specified modifications or reject the document or part;
    - (b) must give reasons for his decision under paragraph (a).
- [<sup>F44</sup>(9A) The Secretary of State may at any time—
- (a) after a development plan document has been submitted for independent examination under section 20, but
  - (b) before it is adopted under section 23,
- direct the local planning authority to withdraw the document.]

*Status: Point in time view as at 15/01/2012.*

*Changes to legislation: Planning and Compulsory Purchase Act 2004, Part 2 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(10) In the exercise of any function under this section the Secretary of State must have regard to the local development scheme.

**Textual Amendments**

**F44** S. 21(9A) inserted (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), **ss. 112(5)**, [240\(1\)\(h\)](#) (with [s. 144](#))

**Commencement Information**

**I16** S. 21 in force at 6.8.2004 for specified purposes by [S.I. 2004/2097](#), **art. 2**

**I17** S. 21 in force at 28.9.2004 for E. so far as not already in force by [S.I. 2004/2202](#), **art. 2(b)**

**22 Withdrawal of local development documents**

(1) A local planning authority may at any time before a local development document is adopted under section 23 withdraw the document.

<sup>F45</sup>(2) .....

**Textual Amendments**

**F45** S. 22(2) repealed (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), **ss. 112(4)**, [240\(1\)\(h\)](#), **Sch. 25 Pt. 17** (with [s. 144](#))

**Commencement Information**

**I18** S. 22 in force at 6.8.2004 for specified purposes by [S.I. 2004/2097](#), **art. 2**

**I19** S. 22 in force at 28.9.2004 for E. so far as not already in force by [S.I. 2004/2202](#), **art. 2(b)**

**23 Adoption of local development documents**

(1) The local planning authority may adopt a local development document (other than a development plan document) either as originally prepared or as modified to take account of—

- (a) any representations made in relation to the document;
- (b) any other matter they think is relevant.

[<sup>F46</sup>(2) If the person appointed to carry out the independent examination of a development plan document recommends that it is adopted, the authority may adopt the document—

- (a) as it is, or
- (b) with modifications that (taken together) do not materially affect the policies set out in it.

(2A) Subsection (3) applies if the person appointed to carry out the independent examination of a development plan document—

- (a) recommends non-adoption, and
- (b) under section 20(7C) recommends modifications (“the main modifications”).

(3) The authority may adopt the document—

- (a) with the main modifications, or
- (b) with the main modifications and additional modifications if the additional modifications (taken together) do not materially affect the policies that would

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be set out in the document if it was adopted with the main modifications but no other modifications.]

- (4) The authority must not adopt a development plan document unless they do so in accordance with subsection (2) or (3).
- (5) A document is adopted for the purposes of this section if it is adopted by resolution of the authority.

**Textual Amendments**

**F46** S. 23(2)-(3) substituted for s. 23(2)(3) (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), **ss. 112(3), 240(1)(h)** (with [ss. 112\(6\), 144](#))

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**Commencement Information**

**I20** S. 23 in force at 28.9.2004 for E. by [S.I. 2004/2202](#), **art. 2(b)**

**24 Conformity with regional strategy**

- (1) The local development documents must be in general conformity with—
  - (a) [<sup>F47</sup> the regional strategy ] (if the area of the local planning authority is in a region other than London);
  - (b) the spatial development strategy (if the local planning authority are a London borough [<sup>F48</sup> or a Mayoral development corporation]).
- <sup>F49</sup>(2) .....
- <sup>F50</sup>(3) .....
- (4) A local planning authority which are a London borough [<sup>F48</sup> or a Mayoral development corporation] —
  - (a) must request the opinion in writing of the Mayor of London as to the general conformity of a development plan document with the spatial development strategy;
  - (b) may request the opinion in writing of the Mayor as to the general conformity of any other local development document with the spatial development strategy.
- (5) Whether or not the local planning authority make a request mentioned in [<sup>F51</sup> subsection (4), the Mayor may give an opinion as to the general conformity of a local development document with the spatial development strategy ]
- <sup>F52</sup>(6) .....
- (7) If in the opinion of the Mayor a document 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.
- <sup>F53</sup>(8) .....
- <sup>F54</sup>(9) .....

*Status: Point in time view as at 15/01/2012.*

*Changes to legislation: Planning and Compulsory Purchase Act 2004, Part 2 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

### Textual Amendments

- F47** Words in s. 24(1)(a) substituted (1.4.2010) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\), s. 148\(5\), Sch. 5 para. 15\(2\)](#); S.I. 2009/3318, art. 4(gg)
- F48** Words in s. 24(1)(b)(4) inserted (15.1.2012) by [Localism Act 2011 \(c. 20\), s. 240\(1\)\(l\), Sch. 22 para. 55](#)
- F49** S. 24(2) repealed (1.4.2010) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\), s. 148\(5\)\(5\), Sch. 5 para. 15\(3\), 7 Pt. 4](#); S.I. 2009/3318, art. 4(gg)(ii)
- F50** S. 24(3) repealed (1.4.2010) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\), s. 148\(5\)\(5\), Sch. 5 para. 15\(3\), 7 Pt. 4](#); S.I. 2009/3318, art. 4(gg)(ii)
- F51** Words in s. 24(5) substituted (1.4.2010) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\), s. 148\(5\), Sch. 5 para. 15\(4\)](#); S.I. 2009/3318, art. 4(gg)
- F52** S. 24(6) repealed (1.4.2010) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\), s. 148\(5\)\(5\), Sch. 5 para. 15\(5\), 7 Pt. 4](#); S.I. 2009/3318, art. 4(gg)(ii)
- F53** S. 24(8) repealed (1.4.2010) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\), s. 148\(5\)\(5\), Sch. 5 para. 15\(5\), 7 Pt. 4](#); S.I. 2009/3318, art. 4(gg)(ii)
- F54** S. 24(9) repealed (1.4.2010) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\), s. 148\(5\)\(5\), Sch. 5 para. 15\(5\), 7 Pt. 4](#); S.I. 2009/3318, art. 4(gg)(ii)

### Commencement Information

- I21** S. 24 in force at 6.8.2004 for specified purposes by [S.I. 2004/2097, art. 2](#)
- I22** S. 24 in force at 28.9.2004 for E. so far as not already in force by [S.I. 2004/2202, art. 2\(b\)](#)

## 25 Revocation of local development documents

The Secretary of State —

- (a) may at any time revoke a local development document at the request of the local planning authority;
- (b) may prescribe descriptions of local development document which may be revoked by the authority themselves.

### Commencement Information

- I23** S. 25 in force at 6.8.2004 for specified purposes by [S.I. 2004/2097, art. 2](#)
- I24** S. 25 in force at 28.9.2004 for E. so far as not already in force by [S.I. 2004/2202, art. 2\(b\)](#)

## 26 Revision of local development documents

- (1) The local planning authority may at any time prepare a revision of a local development document.
- (2) The authority must prepare a revision of a local development document—
  - (a) if the Secretary of State directs them to do so, and
  - (b) in accordance with such timetable as he directs.
- (3) This Part applies to the revision of a local development document as it applies to the preparation of the document.
- (4) Subsection (5) applies if any part of the area of the local planning authority is an area to which an enterprise zone scheme relates.

*Status: Point in time view as at 15/01/2012.*

*Changes to legislation: Planning and Compulsory Purchase Act 2004, Part 2 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (5) As soon as practicable after the occurrence of a relevant event—
- (a) the authority must review every local development document in the light of the enterprise zone scheme;
  - (b) if they think that any modifications of the document are required in consequence of the scheme they must prepare a revised document containing the modifications.
- (6) The following are relevant events—
- (a) the making of an order under paragraph 5 of Schedule 32 to the Local Government, Planning and Land Act 1980 (c. 65) (designation of enterprise zone);
  - (b) the giving of notification under paragraph 11(1) of that Schedule (approval of modification of enterprise zone scheme).
- (7) References to an enterprise zone and an enterprise zone scheme must be construed in accordance with that Act.

#### Commencement Information

**I25** S. 26 in force at 6.8.2004 for specified purposes by [S.I. 2004/2097](#), [art. 2](#)

**I26** S. 26 in force at 28.9.2004 for E. so far as not already in force by [S.I. 2004/2202](#), [art. 2\(b\)](#)

## 27 Secretary of State's default power

- (1) This section applies if the Secretary of State thinks that a local planning authority are failing or omitting to do anything it is necessary for them to do in connection with the preparation, revision or adoption of a development plan document.
- (2) The Secretary of State must hold an independent examination and section 20(4) to (7) applies accordingly.
- (3) The Secretary of State must publish the recommendations and reasons of the person appointed to hold the examination.
- (4) The Secretary of State may—
  - (a) prepare or revise (as the case may be) the document, and
  - (b) approve the document as a local development document.
- (5) The Secretary of State must give reasons for anything he does in pursuance of subsection (4).
- (6) The authority must reimburse the Secretary of State for any expenditure he incurs in connection with anything—
  - (a) which is done by him under subsection (4), and
  - (b) which the authority failed or omitted to do as mentioned in subsection (1).

#### Commencement Information

**I27** S. 27 in force at 28.9.2004 for E. by [S.I. 2004/2202](#), [art. 2\(b\)](#)



*Status: Point in time view as at 15/01/2012.*

*Changes to legislation: Planning and Compulsory Purchase Act 2004, Part 2 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## 28 Joint local development documents

- (1) Two or more local planning authorities may agree to prepare one or more joint local development documents.
- (2) This Part applies for the purposes of any step which may be or is required to be taken in relation to a joint local development document as it applies for the purposes of any step which may be or is required to be taken in relation to a local development document.
- (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 local development document must be done by or in relation to each of the authorities mentioned in subsection (1) in connection with a joint local development document.
- (4) Any requirement of this Part in relation to [F55 regional strategy ] is a requirement in relation to [F55 regional strategy ] for the region in which each authority mentioned in subsection (1) is situated.
- (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).
- (7) Any step taken in relation to the document must be treated as a step taken by—
  - (a) an authority which were a party to the agreement for the purposes of any corresponding document prepared by them;
  - (b) two or more other authorities who were parties to the agreement for the purposes of any corresponding joint local development document.
- (8) Any independent examination of a local development document 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 the Secretary of State to do so he may direct that—
  - (a) the examination is resumed in relation to the corresponding document;
  - (b) any step taken for the purposes of the suspended examination has effect for the purposes of the resumed examination.
- (10) A joint local development document is a local development document prepared jointly by two or more local planning authorities.
- (11) The Secretary of State may by regulations make provision as to what is a corresponding document.

### Textual Amendments

**F55** Words in s. 28(4) substituted (1.4.2010) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), s. 148(5), [Sch. 5 para. 16](#); [S.I. 2009/3318](#), art. 4(gg)

### Commencement Information

**I28** S. 28 in force at 6.8.2004 for specified purposes by [S.I. 2004/2097](#), art. 2

**I29** S. 28 in force at 28.9.2004 for E. so far as not already in force by [S.I. 2004/2202](#), art. 2(b)

*Status: Point in time view as at 15/01/2012.*

*Changes to legislation: Planning and Compulsory Purchase Act 2004, Part 2 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

### *Joint committees*

## **29 Joint committees**

- (1) This section applies if one or more local planning authorities agree with one or more county councils in relation to any area of such a council for which there is also a district council to establish a joint committee to be, for the purposes of this Part, the local planning authority—
  - (a) for the area specified in the agreement;
  - (b) in respect of such matters as are so specified.
- (2) The Secretary of State may by order constitute a joint committee to be the local planning authority—
  - (a) for the area;
  - (b) in respect of those matters.
- (3) Such an order—
  - (a) must specify the authority or authorities and county council or councils (the constituent authorities) which are to constitute the joint committee;
  - (b) may make provision as to such other matters as the Secretary of State thinks are necessary or expedient to facilitate the exercise by the joint committee of its functions.
- (4) Provision under subsection (3)(b)—
  - (a) may include provision corresponding to provisions relating to joint committees in Part 6 of the Local Government Act 1972 (c. 70);
  - (b) may apply (with or without modifications) such enactments relating to local authorities as the Secretary of State thinks appropriate.
- (5) If an order under this section is annulled in pursuance of a resolution of either House of Parliament—
  - (a) with effect from the date of the resolution the joint committee ceases to be the local planning authority as mentioned in subsection (2);
  - (b) anything which the joint committee (as the local planning authority) was required to do for the purposes of this Part must be done for their area by each local planning authority which were a constituent authority of the joint committee;
  - (c) each of those local planning authorities must revise their local development scheme accordingly.
- (6) Nothing in this section or section 30 confers on a local planning authority constituted by virtue of an order under this section any function in relation to section 13 or 14.
- (7) The policies adopted by the joint committee in the exercise of its functions under this Part must be taken for the purposes of the planning Acts to be the policies of each of the constituent authorities which are a local planning authority.
- (8) Subsection (9) applies to any function—
  - (a) which is conferred on a local planning authority (within the meaning of the principal Act) under or by virtue of the planning Acts, and
  - (b) which relates to the authority's local development scheme or local development documents.

*Status: Point in time view as at 15/01/2012.*

*Changes to legislation: Planning and Compulsory Purchase Act 2004, Part 2 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (9) If the authority is a constituent authority of a joint committee references to the authority's local development scheme or local development documents must be construed as including references to the scheme or documents of the joint committee.
- (10) For the purposes of subsection (4) a local authority is any of the following—
- (a) a county council;
  - (b) a district council;
  - (c) a London borough council.

**Modifications etc. (not altering text)**

**C10** S. 29 modified (28.11.2008) by Local Government (Structural Changes) (Transitional Arrangements) (No.2) Regulations 2008 (S.I. 2008/2867), regs. 1(1), **24** (with reg. 1(2))

**Commencement Information**

**I30** S. 29 in force at 6.8.2004 for specified purposes by S.I. 2004/2097, **art. 2**

**I31** S. 29 in force at 28.9.2004 for E. so far as not already in force by S.I. 2004/2202, **art. 2(b)**

**30 Joint committees: additional functions**

- (1) This section applies if the constituent authorities to a joint committee agree that the joint committee is to be, for the purposes of this Part, the local planning authority for any area or matter which is not the subject of—
- (a) an order under section 29, or
  - (b) an earlier agreement under this section.
- (2) Each of the constituent authorities and the joint committee must revise their local development scheme in accordance with the agreement.
- (3) With effect from the date when the last such revision takes effect the joint committee is, for the purposes of this Part, the local planning authority for the area or matter mentioned in subsection (1).

**Commencement Information**

**I32** S. 30 in force at 28.9.2004 for E. by S.I. 2004/2202, **art. 2(b)**

**31 Dissolution of joint committee**

- (1) This section applies if a constituent authority requests the Secretary of State to revoke an order constituting a joint committee as the local planning authority for any area or in respect of any matter.
- (2) The Secretary of State may revoke the order.
- (3) Any step taken by the joint committee in relation to a local development scheme or a local development document must be treated for the purposes of any corresponding scheme or document as a step taken by a successor authority.
- (4) A successor authority is—

*Status: Point in time view as at 15/01/2012.*

*Changes to legislation: Planning and Compulsory Purchase Act 2004, Part 2 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (a) a local planning authority which were a constituent authority of the joint committee;
  - (b) a joint committee constituted by order under section 29 for an area which does not include an area which was not part of the area of the joint committee mentioned in subsection (1).
- (5) If the revocation takes effect at any time when an independent examination is being carried out in relation to a local development document the examination must be suspended.
- (6) But if before the end of the period prescribed for the purposes of this subsection a successor authority falling within subsection (4)(a) requests the Secretary of State to do so he may direct that—
- (a) the examination is resumed in relation to the corresponding document;
  - (b) any step taken for the purposes of the suspended examination has effect for the purposes of the resumed examination.
- (7) The Secretary of State may by regulations make provision as to what is a corresponding scheme or document.

#### Commencement Information

**I33** S. 31 in force at 6.8.2004 for specified purposes by [S.I. 2004/2097](#), [art. 2](#)

**I34** S. 31 in force at 28.9.2004 for E. so far as not already in force by [S.I. 2004/2202](#), [art. 2\(b\)](#)

#### Miscellaneous

### 32 Exclusion of certain representations

- (1) This section applies to any representation or objection in respect of anything which is done or is proposed to be done in pursuance of—
- (a) an order or scheme under section 10, 14, 16, 18, 106(1) or (3) or 108(1) of the Highways Act 1980 (c. 66);
  - (b) an order or scheme under section 7, 9, 11, 13 or 20 of the Highways Act 1959 (c. 25), section 3 of the Highways (Miscellaneous Provisions) Act 1961 (c. 63) or section 1 or 10 of the Highways Act 1971 (c. 41) (which provisions were replaced by the provisions mentioned in paragraph (a));
  - (c) an order under section 1 of the New Towns Act 1981 (c. 64).
- (2) If the Secretary of State or a local planning authority thinks that a representation made in relation to a local development document is in substance a representation or objection to which this section applies he or they (as the case may be) may disregard it.

#### Commencement Information

**I35** S. 32 in force at 28.9.2004 for E. by [S.I. 2004/2202](#), [art. 2\(b\)](#)

*Status: Point in time view as at 15/01/2012.*

*Changes to legislation: Planning and Compulsory Purchase Act 2004, Part 2 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

### 33 Urban development corporations

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

#### Modifications etc. (not altering text)

**C11** S. 33 applied (with modifications) (E.) (30.3.2006) by [London Olympic Games and Paralympic Games Act 2006 \(c. 12\)](#), s. 5(1)(b)(2)(3)(c)40(1)(b)

#### Commencement Information

**I36** S. 33 in force at 28.9.2004 for E. by [S.I. 2004/2202](#), art. 2(b)

### [<sup>F56</sup>33A Duty to co-operate in relation to planning of sustainable development

- (1) Each person who is—
  - (a) a local planning authority,
  - (b) a county council in England that is not a local planning authority, or
  - (c) a body, or other person, that is prescribed or of a prescribed description,must co-operate with every other person who is within paragraph (a), (b) or (c) or subsection (9) in maximising the effectiveness with which activities within subsection (3) are undertaken.
- (2) In particular, the duty imposed on a person by subsection (1) requires the person—
  - (a) to engage constructively, actively and on an ongoing basis in any process by means of which activities within subsection (3) are undertaken, and
  - (b) to have regard to activities of a person within subsection (9) so far as they are relevant to activities within subsection (3).
- (3) The activities within this subsection are—
  - (a) the preparation of development plan documents,
  - (b) the preparation of other local development documents,
  - (c) the preparation of marine plans under the Marine and Coastal Access Act 2009 for the English inshore region, the English offshore region or any part of either of those regions,
  - (d) activities that can reasonably be considered to prepare the way for activities within any of paragraphs (a) to (c) that are, or could be, contemplated, and
  - (e) activities that support activities within any of paragraphs (a) to (c),so far as relating to a strategic matter.
- (4) For the purposes of subsection (3), each of the following is a “strategic matter”—
  - (a) sustainable development or use of land that has or would have a significant impact on at least two planning areas, including (in particular) sustainable development or use of land for or in connection with infrastructure that is strategic and has or would have a significant impact on at least two planning areas, and
  - (b) sustainable development or use of land in a two-tier area if the development or use—
    - (i) is a county matter, or
    - (ii) has or would have a significant impact on a county matter.

*Status: Point in time view as at 15/01/2012.*

*Changes to legislation: Planning and Compulsory Purchase Act 2004, Part 2 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(5) In subsection (4)—

“ county matter ” has the meaning given by paragraph 1 of Schedule 1 to the principal Act (ignoring sub-paragraph 1(1)(i)),

“ planning area ” means—

(a) the area of—

(i) a district council (including a metropolitan district council),

(ii) a London borough council, or

(iii) a county council in England for an area for which there is no district council,

but only so far as that area is neither in a National Park nor in the Broads,

(b) a National Park,

(c) the Broads,

(d) the English inshore region, or

(e) the English offshore region, and

“ two-tier area ” means an area—

(a) for which there is a county council and a district council, but

(b) which is not in a National Park.

(6) The engagement required of a person by subsection (2)(a) includes, in particular—

(a) considering whether to consult on and prepare, and enter into and publish, agreements on joint approaches to the undertaking of activities within subsection (3), and

(b) if the person is a local planning authority, considering whether to agree under section 28 to prepare joint local development documents.

(7) A person subject to the duty under subsection (1) must have regard to any guidance given by the Secretary of State about how the duty is to be complied with.

(8) A person, or description of persons, may be prescribed for the purposes of subsection (1)(c) only if the person, or persons of that description, exercise functions for the purposes of an enactment.

(9) A person is within this subsection if the person is a body, or other person, that is prescribed or of a prescribed description.

(10) In this section—

“ the English inshore region ” and “ the English offshore region ” have the same meaning as in the Marine and Coastal Access Act 2009, and

“ land ” includes the waters within those regions and the bed and subsoil of those waters. ]

#### Textual Amendments

**F56** S. 33A inserted (15.11.2011) by [Localism Act 2011 \(c. 20\)](#), **ss. 110(1), 240(5)(i)** (with s. 144)

## 34 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.

*Status: Point in time view as at 15/01/2012.*

*Changes to legislation: Planning and Compulsory Purchase Act 2004, Part 2 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

#### Commencement Information

**I37** S. 34 in force at 28.9.2004 for E. by [S.I. 2004/2202](#), [art. 2\(b\)](#)

### 35 <sup>[F57]</sup> **Authorities] monitoring <sup>[F57]</sup> reports ]**

<sup>F58</sup>(1) . . . . .

(2) <sup>[F59]</sup> Every local planning authority must prepare reports containing ] such information as is prescribed as to—

- (a) the implementation of the local development scheme;
- (b) the extent to which the policies set out in the local development documents are being achieved.

(3) <sup>[F60]</sup> A report under subsection (2) must—

- (a) be in respect of a period—
  - (i) which the authority considers appropriate in the interests of transparency,
  - (ii) which begins with the end of the period covered by the authority's most recent report under subsection (2), and
  - (iii) which is not longer than 12 months or such shorter period as is prescribed;]
- (c) be in such form as is prescribed;
- (d) contain such other matter as is prescribed.

<sup>[F61]</sup>(4) The authority must make the authority's reports under this section available to the public.]

#### Textual Amendments

- F57** Words in s. 35 heading substituted (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), [ss. 113\(6\)](#), 240(1)(h) (with s. 144)
- F58** S. 35(1) repealed (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), [ss. 113\(2\)](#), 240(1)(h), [Sch. 25 Pt. 17](#) (with s. 144)
- F59** Words in s. 35(2) substituted (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), [ss. 113\(3\)](#), 240(1)(h) (with s. 144)
- F60** Words in s. 35(3) substituted (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), [ss. 113\(4\)](#), 240(1)(h) (with s. 144)
- F61** S. 35(4) inserted (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), [ss. 113\(5\)](#), 240(1)(h) (with s. 144)

#### Commencement Information

- I38** S. 35 in force at 6.8.2004 for specified purposes by [S.I. 2004/2097](#), [art. 2](#)
- I39** S. 35 in force at 28.9.2004 for E. so far as not already in force by [S.I. 2004/2202](#), [art. 2\(b\)](#)

#### General

### 36 **Regulations**

(1) The Secretary of State may by regulations make provision in connection with the exercise by any person of functions under this Part.

*Status: Point in time view as at 15/01/2012.*

*Changes to legislation: Planning and Compulsory Purchase Act 2004, Part 2 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (2) The regulations may in particular make provision as to—
- (a) the procedure to be followed by the local planning authority in carrying out the appraisal under section 19;
  - (b) the procedure to be followed in the preparation of local development documents;
  - (c) requirements about the giving of notice and publicity;
  - (d) requirements about inspection by the public of a local development document or any other document;
  - (e) the nature and extent of consultation with and participation by the public in anything done under this Part;
  - (f) the making of representations about any matter to be included in a local development document;
  - (g) consideration of any such representations;
  - (h) the remuneration and allowances payable to a person appointed to carry out an independent examination under section 20;
  - (i) the determination of the time at which anything must be done for the purposes of this Part;
  - (j) the manner of publication of any draft, report or other document published under this Part;
  - (k) monitoring the exercise by local planning authorities of their functions under this Part;
  - (l) the making of reasonable charges for the provision of copies of documents required by or under this Part.

#### Commencement Information

**I40** S. 36 in force at 6.8.2004 for specified purposes by [S.I. 2004/2097](#), [art. 2](#)

**I41** S. 36 in force at 28.9.2004 for E. so far as not already in force by [S.I. 2004/2202](#), [art. 2\(b\)](#)

## 37 Interpretation

- (1) Local development scheme must be construed in accordance with section 15.
- (2) Local development document must be construed in accordance with [<sup>F62</sup> sections 17 and 18(3) ].
- [<sup>F63</sup>(3) A development plan document is a local development document which is specified as a development plan document in the local development scheme.]
- (4) Local planning authorities are—
  - (a) district councils;
  - (b) London borough councils;
  - (c) metropolitan district councils;
  - (d) county councils in relation to any area in England for which there is no district council;
  - (e) the Broads Authority.
- (5) A National Park authority is the local planning authority for the whole of its area and subsection (4) must be construed subject to that.



*Status: Point in time view as at 15/01/2012.*

*Changes to legislation: Planning and Compulsory Purchase Act 2004, Part 2 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

[<sup>F64</sup>(5ZA) Subsection (4) must also be construed subject to any order under section 198(2) of the Localism Act 2011 so far as providing that a Mayoral development corporation is, as regards an area, to be the local planning authority for some or all of the purposes of this Part in relation to some or all kinds of development.

(5ZB) Where such an order makes such provision, that MDC is, in relation to the kinds of development concerned, the local planning authority for the area and purposes concerned in place of any authority who, in relation to those kinds of development, would otherwise be the local planning authority for that area and those purposes.]

[<sup>F65</sup>(5A) Subsection (4) must [<sup>F66</sup> additionally be construed, and subsection (5ZB) must be construed, ] subject to any designation order under section 13 of the Housing and Regeneration Act 2008 (power to make designation orders) providing that the Homes and Communities Agency is to be the local planning authority—

- (a) for an area specified in the order, and
- (b) for all purposes of this Part or any such purposes so specified.

(5B) Where such an order makes such provision, the Homes and Communities Agency is the local planning authority for the area and the purposes concerned in place of any authority who would otherwise be the local planning authority for that area and those purposes.]

[<sup>F67</sup>(6) Regional strategy” means a regional strategy under Part 5 of the Local Democracy, Economic Development and Construction Act 2009.

(6A) “Responsible regional authorities ” is to be construed in accordance with Part 5 of the Local Democracy, Economic Development and Construction Act 2009. ]

(7) This section applies for the purposes of this Part.

#### Textual Amendments

- F62** Words in s. 37(2) substituted (6.4.2009) by [Planning Act 2008 \(c. 29\)](#), **ss. 180(6)(a)**, 241(8) (with s. 226); S.I. 2009/400, art. 3(e)
- F63** S. 37(3) substituted (6.4.2009) by [Planning Act 2008 \(c. 29\)](#), **ss. 180(6)(b)**, 241(8) (with s. 226); S.I. 2009/400, art. 3(e)
- F64** S. 37(5ZA)(5ZB) inserted (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(1)(l), **Sch. 22 para. 56(2)**
- F65** S. 37(5A)(5B) inserted (1.12.2008) by [Housing and Regeneration Act 2008 \(c. 17\)](#), s. 325(1), **Sch. 8 para. 81**; S.I. 2008/3068, art. 2(1)(w)(3) (with arts. 6-13)
- F66** Words in s. 37(5A) substituted (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(1)(l), **Sch. 22 para. 56(3)**
- F67** S. 37(6)(6A) substituted for s. 37(6) (1.4.2010) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), s. 148(5), **Sch. 5 para. 17**; S.I. 2009/3318, art. 4(gg)

#### Modifications etc. (not altering text)

- C12** S. 37(2) modified by SI 2008/2867 reg. 19(2) (as inserted (E.) (11.3.2009) by [Local Government \(Structural Changes\) \(Further Transitional and Supplementary Provision and Miscellaneous Amendments\) Regulations 2009 \(S.I. 2009/276\)](#), regs. 1(1), **14** (with reg. 1(2)))
- C13** S. 37(4) applied (temp. until 1.4.2006) (24.3.2005) by [New Forest National Park Authority \(Establishment\) Order 2005 \(S.I. 2005/421\)](#), art. 1, **Sch. 4 para. 12**
- C14** S. 37(4) continued (temp.) (24.3.2010) by [The South Downs National Park Authority \(Establishment\) Order 2010 \(S.I. 2010/497\)](#), art. 1, **Sch. 4 para. 11**

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- C15** S. 37(5) excluded (temp. until 1.4.2006) (24.3.2005) by [New Forest National Park Authority \(Establishment\) Order 2005 \(S.I. 2005/421\)](#), art. 1, **Sch. 4 para. 12**
- C16** S. 37(5) excluded (24.3.2010) by [The South Downs National Park Authority \(Establishment\) Order 2010 \(S.I. 2010/497\)](#), art. 1, **Sch. 4 para. 11**
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**Commencement Information**

- I42** S. 37 in force at 28.9.2004 for E. by [S.I. 2004/2202](#), **art. 2(b)**

**Status:**

Point in time view as at 15/01/2012.

**Changes to legislation:**

Planning and Compulsory Purchase Act 2004, Part 2 is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.