



# Planning and Compulsory Purchase Act 2004

## 2004 CHAPTER 5

### PART 3

#### DEVELOPMENT

#### *Development plan*

#### **38 Development plan**

- (1) A reference to the development plan in any enactment mentioned in subsection (7) must be construed in accordance with subsections (2) to (5).
- (2) For the purposes of any area in Greater London the development plan is—
  - (a) the spatial development strategy, and
  - (b) the development plan documents (taken as a whole) which have been adopted or approved in relation to that area.
- (3) For the purposes of any other area in England the development plan is—
  - (a) the regional spatial strategy for the region in which the area is situated, and
  - (b) the development plan documents (taken as a whole) which have been adopted or approved in relation to that area.
- (4) For the purposes of any area in Wales the development plan is the local development plan adopted or approved in relation to that area.
- (5) If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published (as the case may be).

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*Status: This is the original version (as it was originally enacted).*

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- (6) If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- (7) The enactments are—
- (a) this Act;
  - (b) the planning Acts;
  - (c) any other enactment relating to town and country planning;
  - (d) the Land Compensation Act 1961 (c. 33);
  - (e) the Highways Act 1980 (c. 66).
- (8) In subsection (5) references to a development plan include a development plan for the purposes of paragraph 1 of Schedule 8.