



# Planning and Compulsory Purchase Act 2004

## 2004 CHAPTER 5

### PART 6

#### WALES

#### *Plans*

#### **62 Local development plan**

- (1) The local planning authority must prepare a plan for their area to be known as a local development plan.
- (2) The plan must set out—
  - (a) the authority's objectives in relation to the development and use of land in their area;
  - (b) their general policies for the implementation of those objectives.
- (3) The plan may also set out specific policies in relation to any part of the area of the authority.
- (4) Regulations under this section may prescribe the form and content of the plan.
- (5) In preparing a local development plan the authority must have regard to—
  - (a) current national policies;
  - (b) the Wales Spatial Plan;
  - (c) the RSS for any region which adjoins the area of the authority;
  - (d) the community strategy prepared by the authority;
  - (e) the community strategy for any other authority whose area comprises any part of the area of the local planning authority;
  - (f) the resources likely to be available for implementing the plan;
  - (g) such other matters as the Assembly prescribes.

- (6) The authority must also—
  - (a) carry out an appraisal of the sustainability of the plan;
  - (b) prepare a report of the findings of the appraisal.
- (7) The community strategy is the strategy prepared by an authority under section 4 of the Local Government Act 2000 (c. 22).
- (8) A plan is a local development plan only in so far as it—
  - (a) is adopted by resolution of the local planning authority as a local development plan;
  - (b) is approved by the Assembly under section 65 or 71.

### **63 Preparation requirements**

- (1) A local development plan must be prepared in accordance with—
  - (a) the local planning authority's community involvement scheme;
  - (b) the timetable for the preparation and adoption of the authority's local development plan.
- (2) The authority's community involvement scheme is a statement of the authority's policy as to the involvement in the exercise of the authority's functions under this Part of the persons to which subsection (3) applies.
- (3) The persons mentioned in subsection (2)—
  - (a) must include such persons as the Assembly prescribes;
  - (b) may include such other persons as appear to the authority to have an interest in matters relating to development in the area of the authority.
- (4) The authority and the Assembly must attempt to agree the terms of the documents mentioned in paragraphs (a) and (b) of subsection (1).
- (5) But to the extent that the Assembly and the authority cannot agree the terms the Assembly may direct that the documents must be in the terms specified in the direction.
- (6) The authority must comply with the direction.
- (7) The Assembly may prescribe—
  - (a) the procedure in respect of the preparation of the documents mentioned in paragraphs (a) and (b) of subsection (1);
  - (b) the form and content of the documents;
  - (c) the time at which any step in the preparation of the documents must be taken;
  - (d) publicity about the documents;
  - (e) making the documents available for inspection by the public;
  - (f) circumstances in which the requirements of the documents need not be complied with.

### **64 Independent examination**

- (1) The local planning authority must submit their local development plan to the Assembly for independent examination.
- (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 the Assembly (in addition to the local development plan) 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 Assembly.
- (5) The purpose of the independent examination is to determine in respect of a local development plan—
- (a) whether it satisfies the requirements of sections 62 and 63 and of regulations under section 77;
  - (b) whether it is sound.
- (6) Any person who makes representations seeking to change a local development plan must (if he so requests) be given the opportunity to appear before and be heard by the person carrying out the examination.
- (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.

## **65 Intervention by Assembly**

- (1) If the Assembly thinks that a local development plan is unsatisfactory—
- (a) it may at any time before the plan is adopted by the local planning authority direct them to modify the plan in accordance with the direction;
  - (b) if it gives such a direction it must state its reasons for doing so.
- (2) The authority—
- (a) must comply with the direction;
  - (b) must not adopt the plan unless the Assembly gives notice that it is satisfied that they have complied with the direction.
- (3) But subsection (2) does not apply if the Assembly withdraws the direction.
- (4) At any time before a local development plan is adopted by a local planning authority the Assembly may direct that the plan is submitted to it for its approval.
- (5) The following paragraphs apply if the Assembly gives a direction under subsection (4)
- (a) the authority must not take any step in connection with the adoption of the plan until the Assembly gives its decision;
  - (b) if the direction is given before the authority have submitted the plan under section 64(1) the Assembly must hold an independent examination and section 64(4) to (7) applies accordingly;
  - (c) if the direction is given after the authority have submitted the plan the person appointed to carry out the examination must make his recommendations to the Assembly;
  - (d) the plan has no effect unless it has been approved by the Assembly.

- (6) The Assembly must publish the recommendations made to it by virtue of subsection (5)(b) or (c) and the reasons of the person making the recommendations.
- (7) In considering a plan submitted under subsection (4) the Assembly may take account of any matter which it thinks is relevant.
- (8) It is immaterial whether any such matter was taken account of by the authority.
- (9) The Assembly—
  - (a) may approve, approve subject to specified modifications or reject a plan submitted to it under subsection (4);
  - (b) must give reasons for its decision under paragraph (a).
- (10) In the exercise of any function under this section the Assembly must have regard to the documents mentioned in paragraphs (a) and (b) of section 63(1).

## **66 Withdrawal of local development plan**

- (1) A local planning authority may at any time before a local development plan is adopted under section 67 withdraw the plan.
- (2) But subsection (1) does not apply to a local development plan at any time after the plan has been submitted for independent examination under section 64 unless—
  - (a) the person carrying out the examination recommends that the plan is withdrawn and that recommendation is not overruled by a direction given by the Assembly, or
  - (b) the Assembly directs that the plan must be withdrawn.

## **67 Adoption of local development plan**

- (1) The local planning authority may adopt a local 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 may adopt a local development plan with modifications if the person appointed to carry out the independent examination of the plan recommends the modifications.
- (3) A plan is adopted for the purposes of this section if it is adopted by resolution of the authority.
- (4) But the authority must not adopt a local development plan if the Assembly directs them not to do so.

## **68 Revocation of local development plan**

The Assembly may at any time revoke a local development plan at the request of the local planning authority.

## **69 Review of local development plan**

- (1) A local planning authority must carry out a review of their local development plan at such times as the Assembly prescribes.

- (2) The authority must report to the Assembly on the findings of their review.
- (3) A review must—
  - (a) be in such form as is prescribed;
  - (b) be published in accordance with such requirements as are prescribed.

## **70 Revision of local development plan**

- (1) The local planning authority may at any time prepare a revision of a local development plan.
- (2) The authority must prepare a revision of a local development plan—
  - (a) if the Assembly directs them to do so;
  - (b) if, following a review under section 69, they think that the plan should be revised.
- (3) This Part applies to the revision of a local development plan as it applies to the preparation of the plan.

## **71 Assembly's default power**

- (1) This section applies if the Assembly 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 local development plan.
- (2) The Assembly must hold an independent examination and section 64(4) to (7) applies accordingly.
- (3) The Assembly must publish the recommendations and reasons of the person appointed to hold the examination.
- (4) The Assembly may—
  - (a) prepare or revise (as the case may be) the plan, and
  - (b) approve the plan as a local development plan.
- (5) The Assembly must give reasons for anything it does in pursuance of subsection (4).
- (6) The authority must reimburse the Assembly for any expenditure it incurs in connection with anything—
  - (a) which is done by it under subsection (4), and
  - (b) which the authority failed or omitted to do as mentioned in subsection (1).

## **72 Joint local development plans**

- (1) Two or more local planning authorities may agree to prepare a joint local development plan.
- (2) This Part applies for the purposes of the preparation, revision, adoption, withdrawal and revocation of a joint local development plan as it applies for the purposes of the preparation, revision, adoption, withdrawal and revocation of a local development plan.
- (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 plan must be done

by or in relation to each of the authorities mentioned in subsection (1) in connection with a joint local development plan.

- (4) Subsections (5) to (7) apply if a local planning authority withdraw from an agreement mentioned in subsection (1).
- (5) Any step taken in relation to the plan must be treated as a step taken by—
  - (a) an authority which was 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 local development plan.
- (6) Any independent examination of a local development plan to which the agreement relates must be suspended.
- (7) If before the end of the period prescribed for the purposes of this subsection an authority which was a party to the agreement requests the Assembly to do so it may direct that—
  - (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.
- (8) A joint local development plan is a local development plan prepared jointly by two or more local planning authorities.