
STATUTORY INSTRUMENTS

2010 No. 2184

The Town and Country Planning (Development Management Procedure) (England) Order 2010

PART 6

Miscellaneous

Local development orders

34.—(1) Where a local planning authority propose to make a local development order they shall first prepare—

- (a) a draft of the order; and
- (b) a statement of their reasons for making the order.

(2) The statement of reasons shall contain—

- (a) a description of the development which the order would permit; and
- (b) a plan or statement identifying the land to which the order would relate.

(3) Where a local planning authority have prepared a draft local development order, they shall consult, in accordance with paragraph (5), such of the following persons whose interests they consider would be affected by the order if made—

- (a) if the local planning authority is a London borough council, the Mayor of London;
- (b) a local planning authority, county council or parish council any part of whose area is in or adjoins the area of the local planning authority;
- (c) Natural England⁽¹⁾;
- (d) the Environment Agency⁽²⁾;
- (e) the Historic Buildings and Monuments Commission for England⁽³⁾;
- (f) the Secretary of State for Transport;
- (g) the Highways Agency;
- (h) a regional development agency⁽⁴⁾ whose area is in or adjoins the area of the local planning authority;
- (i) any person—
 - (i) to whom the electronic communications code applies by virtue of a direction given under section 106(3)(a) of the Communications Act 2003 (application of the electronic communications code)⁽⁵⁾; and

⁽¹⁾ See section 1 of the Natural Environment and Rural Communities Act 2006 (c. 16).

⁽²⁾ See section 1(1) of the Environment Act 1995 (c. 25).

⁽³⁾ See section 32 of the National Heritage Act 1983 (c. 47). This body is also known as English Heritage.

⁽⁴⁾ See section 1 of the Regional Development Agencies Act 1998 (c. 45).

⁽⁵⁾ 2003 c. 21.

- (ii) who owns or controls electronic communications apparatus situated in any part of the area of the local planning authority;
 - (j) any of the following persons who exercise functions in any part of the area of the local planning authority—
 - (i) a Primary Care Trust⁽⁶⁾;
 - (ii) a person to whom a licence has been granted under section 6(1)(b) and (c) of the Electricity Act 1989 (licences authorising supply, etc)⁽⁷⁾;
 - (iii) a person to whom a licence has been granted under section 7(2) of the Gas Act 1986 (licensing of gas transporters)⁽⁸⁾;
 - (iv) a sewerage undertaker;
 - (v) a water undertaker;
 - (k) voluntary bodies some or all of whose activities benefit any part of the local planning authority's area;
 - (l) bodies which represent the interests of different racial, ethnic or national groups in the local planning authority's area;
 - (m) bodies which represent the interests of different religious groups in the local planning authority's area;
 - (n) bodies which represent the interests of disabled persons in the local planning authority's area;
 - (o) bodies which represent the interests of persons carrying on business in the local planning authority's area.
- (4) The local planning authority shall also consult any person with whom they would have been required to consult on an application for planning permission for the development proposed to be permitted by the order.
- (5) In consulting in accordance with paragraphs (3) and (4) the local planning authority shall—
- (a) send a copy of the draft order and the statement of reasons to the consultees;
 - (b) specify a consultation period of not less than 28 days; and
 - (c) take account of all representations received by them during the period specified.
- (6) A local planning authority shall, during any consultation under paragraphs (3) and (4)—
- (a) make a copy of the draft local development order and statement of reasons available for inspection—
 - (i) at their principal office during normal working hours; and
 - (ii) at such other places within their area as they consider appropriate;
 - (b) publish on their website—
 - (i) the draft local development order and the statement of reasons;
 - (ii) a statement that those documents are available for inspection and the places where and times when they can be inspected; and

⁽⁶⁾ See section 18 of the National Health Service Act 2006 (c. 41).

⁽⁷⁾ 1989 c. 29; section 6 was substituted by section 30 of the Utilities Act 2000 (c. 27), subsection (1)(b) was substituted by section 136(1) of the Energy Act 2004 (c. 20) and subsection (1)(c) was amended by section 197(9) of, and Part 1 of Schedule 23 to, the Energy Act 2004.

⁽⁸⁾ 1986 c. 44; section 7 was substituted by section 5 of the Gas Act 1995 (c. 45) and subsection (2) was amended by sections 3(2) and 76 of, and paragraphs 1 and 4 of Part I of Schedule 6 to, the Utilities Act 2000.

- (iii) the date by which representations on the draft local development order must be received, which shall be not less than 28 days after the date of first publication on the website; and
- (c) give notice by local advertisement of—
 - (i) the draft local development order and the statement of reasons;
 - (ii) the availability of those documents for inspection, and the places where and times when they can be inspected; and
 - (iii) the date by which representations on the draft local development order must be received, which shall be not less than 28 days from the date on which the notice was first published.
- (7) Where the draft local development order would grant planning permission for development specified in the order, the local planning authority shall also give notice of their proposal to make the order—
 - (a) by displaying in at least one place on or near to the site to which the order relates a notice in the appropriate form set out in Schedule 7 or in a form substantially to the like effect, and, subject to paragraph (8), leaving the notice in position for a period of not less than 28 days beginning with the date on which it is first displayed; and
 - (b) by serving a copy of that notice on every person whom the authority knows to be the owner or tenant of any part of the site whose name and address is known to the authority,and specifying in the notice a date by which representations on the draft local development order must be received, which shall be not less than 28 days from the date on which the notice was displayed or served, as the case may be.
- (8) Where the notice referred to in paragraph (7)(a) is, without any fault or intention of the authority, removed, obscured or defaced before the period referred to in that paragraph has elapsed, the authority shall be treated as having complied with the requirements of that paragraph if they have taken reasonable steps for the protection of the notice, and, if necessary, its replacement.
- (9) Where any notice of the proposal has been—
 - (a) published on the authority's website or by local advertisement in accordance with paragraph (6);
 - (b) given by site display under paragraph (7)(a); or
 - (c) served on an owner of the land or a tenant under paragraph (7)(b),a local planning authority shall, in considering what modifications should be made to the draft local development order or whether such an order should be adopted, take into account any representations made in relation to that order and received by the authority by the date specified on the website or in the notices, in accordance with paragraph (6) or (7) as the case may be, as the date by which representations should be made (or, if the dates on the website or in the notices differ from each other, the latest of such dates).
- (10) A local planning authority shall send a copy of a draft local development order and the statement of reasons relating to that order, including any modifications made to the order or statement, to the Secretary of State at any time after they have complied with the requirements of paragraph (9).
- (11) Subject to paragraph (12), a local planning authority shall not take any further step in connection with the adoption of a local development order until either—

- (a) the Secretary of State has notified the authority in writing that the Secretary of State does not intend to make a direction under section 61B(1) of the 1990 Act (intervention by Secretary of State)(9); or
 - (b) a period of 21 days has elapsed from the date on which the draft was sent to the Secretary of State, and the Secretary of State has neither notified the authority that the Secretary of State—
 - (i) intends to make such a direction; or
 - (ii) requires more time to reach a decision.
- (12) If, within the period of 21 days referred to in paragraph (11)(b), the Secretary of State has notified the authority that the Secretary of State requires more time to reach a decision, the authority shall not take any further step in connection with the adoption of the order unless the Secretary of State notifies the authority as referred to in paragraph (11)(a).
- (13) A local development order must not be made so as to grant planning permission—
- (a) for development affecting a listed building; or
 - (b) for development which is Schedule 1 development within the meaning of regulation 2(1) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (interpretation)(10).
- (14) Where a local planning authority revoke a local development order the authority shall—
- (a) publish on their website a statement that the local development order has been revoked;
 - (b) give notice of the revocation by local advertisement; and
 - (c) give written notice of the revocation to every person whom the local planning authority consulted under paragraphs (3) or (4) before the making of the order.
- (15) In this article a requirement to give notice by local advertisement is a requirement to publish the notice in as many newspapers as will secure that the press coverage (taken as a whole) extends to the whole of the area to which the local development order relates.

(9) Section 61B was inserted by section 40(1) of the 2004 Act.

(10) S.I. 1999/293, to which there are amendments not relevant to this article.