



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).

Status: Point in time view as at 06/04/2009.

Changes to legislation: Planning and Compulsory Purchase Act 2004, Part 3 is up to date with all changes known to be in force on or before 04 July 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) 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.
- [^{F1}(9) Development plan document must be construed in accordance with section 37(3).]

Textual Amendments

- F1** S. 38(9) inserted (6.4.2009) by [Planning Act 2008 \(c. 29\)](#), **ss. 180(7), 241(8)** (with s. 226); [S.I. 2009/400](#), art. 3(e)

Commencement Information

- I1** S. 38 in force at 28.9.2004 for E. by [S.I. 2004/2202](#), **art. 2(c)**
- I2** S. 38 in force at 15.10.2005 for W. by [S.I. 2005/2847](#), **art. 2(a)**

Sustainable development

39 Sustainable development

- (1) This section applies to any person who or body which exercises any function—
- (a) under Part 1 in relation to a regional spatial strategy;
 - (b) under Part 2 in relation to local development documents;
 - (c) under Part 6 in relation to the Wales Spatial Plan or a local development plan.
- (2) The person or body must exercise the function with the objective of contributing to the achievement of sustainable development.
- [^{F2}(2A) For the purposes of subsection (2) the person or body must (in particular) have regard to the desirability of achieving good design.]
- (3) For the purposes of subsection (2) the person or body must have regard to national policies and advice contained in guidance issued by—
- (a) the Secretary of State for the purposes of subsection (1)(a) and (b);
 - (b) the National Assembly for Wales for the purposes of subsection (1)(c).

Textual Amendments

- F2** S. 39(2A) inserted (6.4.2009 for E.) by [Planning Act 2008 \(c. 29\)](#), **ss. 183, 241(3), (4)** (with s. 226); [S.I. 2009/400](#), art. 5(a)

Status: Point in time view as at 06/04/2009.

Changes to legislation: Planning and Compulsory Purchase Act 2004, Part 3 is up to date with all changes known to be in force on or before 04 July 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

I3 S. 39 in force at 28.9.2004 for E. by [S.I. 2004/2202](#), **art. 2(d)**

I4 S. 39 in force at 15.10.2005 for W. by [S.I. 2005/2847](#), **art. 2(b)**

Status:

Point in time view as at 06/04/2009.

Changes to legislation:

Planning and Compulsory Purchase Act 2004, Part 3 is up to date with all changes known to be in force on or before 04 July 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.